

UNITED STATES



CONSULAR REGULATIONS.



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# REGULATIONS

PRESCRIBED FOR THE USE OF

# THE CONSULAR SERVICE

OF

THE UNITED STATES.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1881.



EXECUTIVE MANSION,

*Washington, May 1, 1881.*

In accordance with the provisions of law the following revised regulations and instructions, including a tariff of fees to be charged for official services, are hereby prescribed for the information and government of Consular Officers of the United States.

JAMES A. GARFIELD.

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DEPARTMENT OF STATE,

*Washington, May 1, 1881.*

I transmit herewith, for your information and government, the accompanying revised regulations and instructions, which have been prescribed by the President.

They are intended to supersede those which have been heretofore issued by this Department, including "circulars," and are to be carefully observed in all respects.

I am, sir, very respectfully, your obedient servant,

JAMES G. BLAINE.

To the several CONSULAR OFFICERS

*of the United States.*



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**REGULATIONS**  
FOR THE  
**CONSULAR SERVICE OF THE UNITED STATES.**

**ARTICLE I.**

**Classes of Consular Officers.**

**1.** The Consular Service of the United States consists of Classification.  
Agents and Consuls-General, Consuls-General, Vice-Consuls-General, Deputy Consuls-General, Consuls, Vice-Consuls, Deputy Consuls, Commercial Agents, Vice-Commercial Agents, Deputy Commercial Agents, Consular Agents, Consular Clerks, Interpreters, Marshals, and Office-Clerks.

**AGENT AND CONSUL-GENERAL.**

**2.** The only officer of this grade is the Agent and Consul-General at Cairo. He enjoys a quasi-diplomatic position, Agent and Consul-General.  
so far as the Porte may consent thereto.

**CONSULS-GENERAL.**

**3.** Consulates-General are established by law at Berlin, Consuls-General.  
Calcutta, Constantinople, Frankfort-on-the-Main, Halifax, Havana, Kanagawa, London, Melbourne, Mexico, Montreal, Paris, Rio Janeiro, Rome, Shanghai, Saint Petersburg, and Vienna.

**4.** In Austria-Hungary, Great Britain and Ireland, France, Consular correspondence.  
Italy, China, Russia, Turkey, Japan, and Cuba, Consuls and Commercial Agents will transmit their correspondence, reports, and accounts to the Department of State, under open cover to the respective Consuls-General. Those at Aix la Chapelle, Barmen, Cologne, Crefeld, Mannheim, Stuttgart, Munich, Nuremberg and Sonueberg will transmit their cor-



respondence to the Department, under open cover to the Consul-General at Frankfort. Those at Hamburg, Bremen, Brunswick, Leipsic, Breslau, Geestemünde, Stettin, Dresden, Königsberg, and Chemnitz will transmit their correspondence in like manner through the Consul-General at Berlin. The Consuls at Rio Grande del Sud and Santos will transmit their correspondence to the Department open, through the Consul-General at Rio de Janeiro; and the other Consuls in Brazil will send copies of such of their dispatches as are of special interest or importance to the same officer. The Consuls in Australia, Tasmania, and New Zealand will send their correspondence directly to the Department, except that which relates to leaves of absence and the nomination of subordinate officers, and will send copies of all dispatches of importance to the Consul-General at Melbourne. The Consuls-General at Calcutta and Mexico are not charged with any supervision of the Consular Officers within their jurisdiction, either as to the correspondence or the approval of applications for leaves of absence or of nominations of subordinate officers.

Supervision.

5.. These several Consuls-General are charged with the supervision of the Consulates and Commercial Agencies respectively subordinate to them, so far as it can be exercised by correspondence, and will see that the provisions of law and of these instructions are complied with. It is desirable for the good order and convenience of the Department that they should take care that the preparation of the Consular correspondence, and of the prescribed accounts and inclosures, is in accordance with the instructions relating thereto.

In Cuba.

6.. In Cuba the correspondence with the Spanish officials at Havana will be conducted through the medium of the Consulate-General.

Canada.

7.. In the Dominion of Canada the Consul-General at Montreal exercises a supervision over the Consulates in the Provinces of Ontario and Quebec, and the Consul-General at Halifax over the Consulates in the Provinces of Nova Scotia, New Brunswick, Prince Edward's Island, and Newfoundland, but the Consular correspondence is to be ad-

ressed by the Consuls by mail to the Department, except nominations for subordinate Consular Officers and requests for leaves of absence, which are to be submitted to the respective Consuls-General for approval. The Consulates in British Columbia and Manitoba are excepted from the jurisdiction of the Consul-General at Montreal.

8.. In Liberia, Bolivia, Roumania, and Hayti the Consuls-General are accredited as full diplomatic representatives. Liberia, Hayti, and Bolivia. Of these Officers the Consuls-General in Hayti and Roumania only are charged with supervisory powers. All nominations for subordinate officers in these countries and requests for leave of absence must be submitted to them for approval.

9.. The directions contained in the foregoing paragraphs in regard to correspondence will be carefully observed by Consular Officers, except in those cases in which special instructions have been, or shall be, given by the Department prescribing a different course. Instructions to be observed.

10.. All Consuls-General are further charged with the ordinary duties of a Consul within the prescribed limits of their respective districts, and no one is allowed, while he holds office, to be interested in, or to transact, any business as a merchant, factor, or broker, or any other trader, or as a clerk or other agent for any such person, to, from, or within the port, place, or limits of his Consulate-General, directly or indirectly, either in his own name or through the agency of any other person. General jurisdiction. R. S., secs. 1699 and 1700.

11.. Upon application to the Department, and if it shall be deemed proper, authority will be given to the Consuls-General at Berlin, Frankfort, London, Paris, Rome, Vienna, and St. Petersburg to visit the several Consulates and Commercial Agencies in their respective jurisdictions for the purposes of inspection and report. These visits will, however, not be authorized to be made more frequently than once a year, and only upon the permission of the Department previously obtained. A like permission may also be granted to other Consuls-General, if circumstances shall at any time seem to require it. The actual and necessary traveling expenses incurred in these visitations will be paid. Visitations by Consuls-General.

## CONSULAR REGULATIONS.

## CONSULS.

Consuls,  
R. S., secs. 1700  
and 1730.

**12.** Consuls are of two classes: 1st. Those who are not allowed to engage in business, and whose salaries exceed \$1,000 per annum; 2d. Those who are allowed to engage in business. The former class is known as those embraced in Schedule B. The occupations in which they may not engage are the same with those forbidden to Consuls-General. The latter class of Consuls is again subdivided into—1st. Those who are salaried (known as Consuls in Schedule C), and, 2d. Those who are compensated from the fees which they receive for their services.

## COMMERCIAL AGENTS.

Commercial  
Agents.  
R. S., sec. 1674.

**13.** Commercial Agents are full, principal, and permanent Consular Officers as distinguished from subordinates and substitutes. As respects their powers and duties in the Consular Service of this Government, no distinction is made by statute between them and other principal officers. They differ from the latter only in rank or grade, except as to the supervisory powers conferred upon Consuls-General. They derive their functions from the same statutes as Consuls-General and Consuls, and they are accordingly to be distinguished from the officer described in public law by the same title. The latter is not usually regarded by other powers as entitled to the full rank or privileges of a Consular Officer. The exigencies of the public service of the Government have from time to time made necessary the appointment of Commercial Agents of the character and with the restricted functions and privileges of such officers as known to international law, and this right is at all times reserved. In those instances, however, in which officers of this title and character have been appointed, the appointments have usually been made to countries the Government of which had not been recognized by the United States, or into which it was desired to send a confidential agent whose recognition need not be asked from the local Government. Previous to the act of Congress of August 18, 1856, which reorganized the Consular Service, the officers appointed with the title of Commercial Agent were usually of this limited character.

That act, however, not only established their rank as a Consular Officer, but also superadded to their former powers the functions that appertain to the office of Consul.

14.. The Commercial Agent of the statute and of these regulations is, therefore, deemed to be a full Consular Officer, and entitled to enjoy all the powers, immunities, and privileges that under public law or otherwise are accorded to the Consular Office. The title of the office as representing a distinct grade in the Consular Service is peculiar to the service of the United States, and usage has established the appointment directly by the President. It is usual to ask the formal recognition and an exequatur for a Commercial Agent, from the Government to which he is accredited, as in the case of other principal officers.

Are Consular Officers.

#### VICE-CONSULS-GENERAL, VICE-CONSULS, AND VICE-COMMERCIAL AGENTS.

15.. Vice-Consuls-General, Vice-Consuls, and Vice-Commercial Agents are defined to be Consular Officers who shall be substituted temporarily to fill the place of Consuls-General, Consuls, and Commercial Agents, respectively, when they shall be temporarily absent or relieved from duty. They have accordingly no functions or powers when the principal officer is present at his post. Their functions, however, are coextensive with those of the principal when the latter is absent from his district, and in all cases where they are lawfully in charge of the office.

Vice-Consuls,  
U. S., sec. 1674.

#### DEPUTY CONSULS-GENERAL, DEPUTY CONSULS, AND DEPUTY COMMERCIAL AGENTS.

16.. Deputy Consuls-General, Deputy Consuls, and Deputy Commercial Agents are Consular Officers subordinate to their principals, and exercising the powers and performing the duties within the limits of the respective offices at the same ports or places where the principals are located. They may perform their functions when the principal is absent from his district as well as when he is at his post; but they are not authorized, in the former case, to assume the responsible charge of the office, that being the duty of the Vice-

Deputy Consuls,  
U. S., sec. 1674.

Consul-General, Vice-Consul, or Vice-Commercial Agent, as the case may be. It is preferable, accordingly, to avoid a multiplication of officers as well as the difficulty of obtaining the recognition of two subordinate officers at one port, which has sometimes occurred, that the offices of Vice and Deputy should be united in one person wherever it is practicable to do so.

#### CONSULAR AGENTS.

Consular Agents.  
R. S., sec. 1674.

**17.** Consular Agents are defined to be Consular Officers, also subordinate to their principals, exercising their powers and performing the duties within the limits of the several Consulates, but at ports or places different from those at which the principals are located. Their functions are not, in all respects, as extensive as those of the principal officer. While they act at places different from those of the latter, and while their duties are in substance the same toward persons desiring Consular services, they act only as the representative of the principal, and are subject and subordinate to him. They are not authorized to correspond with the Department of State, unless through the principal or under exceptional circumstances; they make no returns or reports directly to the Department, and they are not permitted to render accounts or make any drafts for expenditures on the Departments of the Government unless under express instructions.

Qualifications  
Consular Agents.

**18.** In all cases where it is practicable, Consular Agents should be citizens of the United States, and none other should be recommended for appointment unless citizens of proper character and standing cannot be found. No Consular Agent has authority to appoint a sub-agent. In case of emergency, or in the absence of the Consular Agent on leave, the principal Consular Officer may designate, with the approval of the Department of State, a suitable person to perform the duties.

**19.** Consular Agents are subject, like other Consular Officers, to the provisions of law and the instructions of the Department. As soon as a Consular Agent has entered upon his duties, a specimen of his signature and an impression of his official seal should be sent to the Department.

## CONSULAR CLERKS.

**20.** These Clerks, to the number of thirteen in all, are appointed by the President after examination, and can be removed only for cause stated in writing and submitted to Congress at the session first following such removal. Applicants must be over eighteen years of age, and citizens of the United States at the time of their appointment, and must pass examination before an examining board, who shall report to the Secretary of State that the applicant is qualified and fit for the duties of the office. They may be assigned to different Consulates at the pleasure of the Secretary of State; and, when so assigned, they are subordinate to the principal Consular Officer, or the Vice or Deputy at the post, as the case may be.

Consular Clerks,  
R. S., secs. 1704,  
1705.

**21.** Applicants for the office of Consular Clerk must be citizens of the United States and not less than eighteen years of age. If the candidate is in a foreign country, he may be examined by a series of written questions by the Minister of the United States in that country, and two other competent persons to be named by him. The result of the examination, with the answers of the candidate in his own handwriting, will then be transmitted to the Secretary of State. Consular Clerks are required to discharge such clerical and other duties of the Consulate as may be assigned to them by the principal Officer, whose instructions in all respects they are carefully to observe and obey. Punctual daily attendance at the Consulate during office hours, diligence in the discharge of the Consular duties, a cheerful obedience to the directions of their superiors, a courteous bearing toward all persons having business with the Consulate, and uprightness of conduct in all respects will be expected from them. Disobedience, want of punctuality, neglect of duty, the abuse of their credit in pecuniary transactions, or exceptionable moral conduct will be followed by the revocation of their commissions.

Manner of ap-  
pointment.

## INTERPRETERS.

**22.** Interpreters in the Consular Service are stationed only at Consulates in non-Christian and semi-civilized countries.

Interpreters.  
18 Stats., 70.

Provision has been made for the appointment by the President of salaried interpreters at the Consulates-General at Shanghai and Kanagawa, and at the Consulates at Foochow, Tien-Tsin, Hankow, Amoy, Canton, and Hong-Kong, and for other Consulates in China, and in Japan, Siam, and Turkey. They are appointed directly by the President, and those at the more important posts receive a commission. For obvious reasons, the selection of persons for these appointments is usually made from residents of the particular country, whose acquaintance with the language and customs may have qualified them for the office. The nomination is most generally intrusted to the Consul, with the approval of the Consul-General, or of Minister if there be no Consul-General, and preference is given in all cases to American citizens, if they can be found, who are willing and competent to accept the office. When nominations are made they should be accompanied by information, as full as possible, as to the nationality, character, antecedents, and qualifications of the persons nominated.

#### MARSHALS OF CONSULAR COURTS.

Marshals-  
R. S., sec. 4111.

23. The President is authorized by law to appoint marshals to Consular Courts, not to exceed seven in number. Of these, four are provided for Consulates in China and one each to a Consulate in Japan, Siam, and Turkey. The appointments are made directly by the President, and a commission is issued from the Department of State. It has, however, not unfrequently been deemed of advantage to the service to permit the Consul to nominate from his post a suitable person to the Department for appointment in preference to making the appointment of persons in the United States who are unacquainted with the usages and customs of the country. Nominations should bear the approval of the Consul-General, or, if there be no Consul-General, then that of the Diplomatic Representative, and should set forth the antecedents, nationality, character, and qualifications of the persons nominated. As in the case of Interpreters a preference is given to American citizens for employment in these offices, if such can be found worthy and competent to



discharge the duties. An appropriation is also made under which the employment of constables is authorized at Consulates in China, Japan, Siam, and Turkey in connection with the Consular Courts. No formal certificate or commission is granted in these cases; but it is required that their names shall be submitted to the Department of State for approval.

## OFFICE CLERKS.

**24.** The Department is authorized by law to allow for the hire of clerks, when actually expended therefor, as follows: Office Clerks.  
To the Consul at Liverpool, sum a not exceeding the rate of two thousand five hundred dollars for any one year; and to the Consuls-General at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of two thousand dollars for any one year; to the Consuls-General at Berlin, Frankfurt, Vienna, and Kanagawa, and for the Consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, and Chemnitz, each a sum not exceeding the rate of one thousand five hundred dollars for any one year; to the Consul-General at Montreal, and the Consuls at Bradford and Birmingham, each a sum not exceeding the rate of one thousand two hundred dollars for any one year; to the Consuls-General at Calcutta and Melbourne, and to the Consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Colon (Aspinwall), Glasgow, and Singapore, each a sum not exceeding the rate of one thousand dollars for any one year; to the Consuls at Belfast, Barmen, Leith, Dundee, and Matanoras, each a sum not exceeding the rate of eight hundred dollars for any one year; to the Consul-General at Mexico, and to the Consuls at Beirut, Naples, Stuttgart, Florence, Mannheim, Pragne, Zurich, Panama, and Demerara, each a sum not exceeding the rate of six hundred dollars for any one year. The allowance to be made from this appropriation to the several Consulates named being within the discretion of the Department of State, the amount of the allowance will be determined by the requirements of each office. No Clerk will be employed without special instructions authorizing it, and the name and nationality, as well as the proposed

amount of compensation of each Clerk, will be reported to the Department. The places above named at which allowances are provided for clerk-hire are taken from the annual appropriation act for the year ending June 30, 1881, and are subject to such changes in this respect as Congress may from time to time deem proper to make. Except at these Consulates no appropriation has been provided by Congress for the payment of clerk-hire. No allowance for that object, therefore, can be authorized to other Consulates.

Employment of  
American citizens.

**25.** The liberal amount which is provided for clerk-hire suggests the employment of American citizens in the several Consulates whenever it is practicable to do so. The presence of clerks of foreign nationality has, in some instances, led to much inconvenience and abuse. Apart from the propriety of employing those who owe allegiance to this Government, it is believed that many young men of worth and ability, both at home and abroad, who are anxious of acquiring a knowledge of the Continental languages of Europe—a knowledge which in after years would be valuable to the Government and people—would make equally efficient and more trustworthy assistants. It is therefore recommended by the Department that the preference should be given to them in every case where such persons can be found. In this view the Department reserves the right to fill such clerkships by appointments directly from this country, or from such citizens abroad, whenever it shall be deemed proper.

#### LIMITS OF CONSULAR DISTRICTS.

Consular districts.  
R. S., sec. 1695.

**26.** The statute authorizes the President to define the extent of country to be embraced within any Consulate or Commercial Agency. The Consular Commission usually describes these limits as including all places nearer to the official residence of a Consul than to the residence of any other Consul within the same allegiance. This rule has very seldom been departed from, and, except when special instructions are given defining a different district, it is to be regarded as the rule by which the limits of the respective districts are to be determined. In no case, however, is a Consular Officer authorized to take jurisdiction of Consular

business outside of the State from the government of which he receives his exequatur. The Department of State may, however, in its discretion, assign a Consular Agency to a Consulate without regard to nearness of geographical situation. The limits of a Consular Agency are always within the district of the Consulate to which it is attached, unless the Department shall determine otherwise.

27.. In these Regulations the term "principal Consular Officer" has the meaning given to it by the statute, and denotes a Consul-General, a Consul, or a Commercial Agent, as the case may be. The term "Consul" is used generically, and may denote any one of the principal Consular Officers. The term "Vice-Consular Officer" denotes either a Vice-Consul-General, a Vice-Consul, or a Vice-Commercial Agent, as the case may be. The term "Consular Officer" embraces principal Officers, Vice and Deputy Consular Officers, and Consular Agents, in accordance with the statute.

Definition of terms.  
R. S., secs. 1674 and 1689.

## ARTICLE II.

### Appointment and Qualification of Consular Officers.

28.. Consuls-General and Consuls are appointed by the President, by and with the advice and consent of the Senate. They qualify by taking the prescribed oath (a copy of which is furnished by the Department for the purpose), and by executing a bond to the United States in the form prescribed by the Department.

Appointment of Consular Officers.

29.. Consuls-General and all Consuls and Commercial Agents whose salaries exceed \$1,000 a year are required, before receiving a commission, to execute a bond (Form No. 2) containing an express stipulation against engaging in business. Those whose salaries are at the rate of \$1,000 or less, all of whom are entitled to the privilege of trading, execute the bond given in Form No. 3; and those who derive their compensation from the fees of office (who may also engage in business) execute the bond prescribed in Form No. 4. The prohibition as to transacting business may, however, be extended, in the discretion of the President, so as to embrace all principal Consular Officers, whether receiving salary or fees, and also all subordinate officers. All principal Consu-

Bond.  
R. S., secs. 1697, 1699, 1700, 1756, and 1757.

lar Officers are required by law to take the oath in Form No. 1. For instructions respecting the sureties on the bond and the formalities of its execution see note to Form No. 2.

May hold but one office.  
R. S., sec. 1691.

**30.** A Consul-General or Consul appointed to one Consulate is prohibited from holding the office of Consul-General or Consul at any other Consulate, or from exercising the duties thereof.

Commercial Agents.

**31.** Commercial Agents are appointed by the President. They qualify for their offices in the same manner in all respects as Consuls-General and Consuls.

Subordinate officers.  
R. S., sec. 1695.

**32.** Vice-Consuls-General, Deputy Consuls-General, Vice-Consuls, Deputy Consuls, Vice-Commercial Agents, Deputy Commercial Agents, and Consular Agents are appointed by the Secretary of State, usually upon the nomination of the principal Consular Officer, approved by the Consul-General (if the nomination relates to a Consulate or Commercial Agency), or, if there be no Consul-General, then by the Diplomatic Representative. If there be no Consul-General or Diplomatic Representative, the nomination should be transmitted directly to the Department of State, as should also the nominations for subordinate officers in Mexico, British India, Manitoba, and British Columbia. The nominations for Vice-Consul-General and Deputy Consul-General must be submitted to the Diplomatic Representative for approval, if there be one resident in the country. The privilege of making the nominations for the foregoing subordinate officers must not be construed to limit the authority of the Secretary of State, as provided by law, to appoint these officers without such previous nomination by the principal Officer. The statutory power in this respect is reserved, and it will be exercised in all cases in which the interests of the service or other public reasons may be deemed to require it.

Conditions of appointment.

**33.** Consular Officers recommending appointments of this character must in all cases submit some evidence of the capacity, character, and fitness of the nominee for the office, and also information respecting his residence and the State or country of which he is a citizen or subject. A nomination failing to give these particulars will not be considered. The nomination must be made in a dispatch addressed to the proper Assistant Secretary of State, transmitted

through the Legation or Consulate-General, or directly, as the case may be. A minor will not be approved for any subordinate Consular Office. In the United Kingdom and Colonies of Great Britain no public officer of Her Majesty's Government is permitted to act as a Consular Officer of a foreign State. All persons nominated for subordinate appointments must be able to speak and read the English language.

34.. With the exception of Consular Agents, each of the foregoing subordinate officers are required to give bond in the penal sum of not less than \$2,000 for the faithful performance of his duties. (Form No. 4.) At certain Consulates the office of Vice and Deputy is held by separate persons. This course has been the cause in some instances of embarrassment to the Department in obtaining the recognition of these officers, and is not a desirable one in other respects. Hereafter, to avoid both the multiplication of offices at one post and the difficulty as regards the exequatur, it will be required that the position of Vice and Deputy should be held by the same person, unless controlling reasons be shown to the contrary.

Bond and other provisions, R. S., secs. 1696 and 1698.

35.. The removal of competent and faithful subordinates without cause is discountenanced by the Department of State. When, therefore, nominations are made with a view of superseding them, a full and satisfactory statement of the reasons for asking the change must be submitted for the Department's consideration. In all cases where it is practicable to do so, the offices should be filled by citizens of the United States. The appointment of a successor in any of the subordinate offices of a Consulate is regarded as canceling the appointment of the predecessor, without a formal notice to that effect from the Department.

Removals of subordinates.

36.. The bonds of Consular Officers are, after their approval by the Secretary of State, deposited with the Secretary of the Treasury. Under the rule of the Treasury Department, bonds, when so filed, cannot be withdrawn from its custody.

Bonds not to be withdrawn.

37.. Interpreters qualify by taking the oath of office (Form No. 1), but are not required to give a bond. Marshals of Consular Courts are required, in addition to the oath of office, to execute and file in the Department of State a bond, the form

Interpreters, Marshals, and Consular Agents. R. S., sec. 4113

of which is given in Form No. 136. No bond or oath of office is required of Consular Agents, but a Consular Officer having Agents under his supervision may take from them such bond as he may deem proper for his protection.

Interpreters and Marshals are subordinate officers.

**38.** Disagreements and difficulties have sometimes arisen between the principal Officer at a Consulate and the Interpreter or Marshal, in consequence of the latter holding himself, from the circumstance of having a commission from the President, of equal standing in the Consulate, and of refusing to receive instructions from the Consul. It should accordingly be understood by these Officers that they are regarded as composing a part of the staff of a Consulate, and as subordinate to the principal Officer. It is their duty in all that regards the discharge of official business to respect and obey the instructions of the Consul, or of the Vice-Consul if in charge, and, whenever requested, to assist in the general work of the Consulate. Neglect or refusal to comply with the just and reasonable directions of the Consul should be reported to the Department of State.

Vacancies to be reported.

**39.** Whenever a vacancy occurs in a Vice-Consular Office, or in that of Interpreter, Marshal, or Consular Agent, either by resignation, death, removal of residence, or otherwise, information of the fact should be communicated to the Department of State without delay.

### ARTICLE III.

#### When Entitled to Enter on the Discharge of Their Duties.

Formalities on appointment.  
R. S., secs. 1697, 1756, 1757  
18 Stat., 67.

**40.** On the appointment of a Consul-General, Consul, or Commercial Agent, his commission is retained at the Department of State until the prescribed oath of office and bond have been filed and approved. As soon as the commission is issued, a notification of the appointment is at once sent to the appointee, accompanied by a blank form of the oath and bond, upon the return of which, duly executed, the commission is transmitted to the Diplomatic Representative accredited to the Government within whose jurisdiction the office is situated, with instructions to apply for an exequatur. The notification also requests information as to the name of

the State or country in which the appointee was born, and as to the State from which he was appointed, and instructs him in respect to the compensation of the office and the conditions and times of its payment. In the event of the acceptance of the appointment, it is usual to require the appointee to proceed to his post within thirty days from the receipt of the notification. If a longer time in the United States is desired, satisfactory reasons must be presented to the Department of State for the request. When the appointee is out of the United States at the time of his appointment, the formalities in regard to notification and otherwise are the same as if he were in this country.

41. The exequatur, when obtained, is transmitted by the Diplomatic Representative to the Consul, together with the commission, through the Consulate-General, if there be one having supervisory powers; otherwise, directly to his address. The Consul may, however, proceed to his post, and enter upon the discharge of his duties on receiving permission from the proper local authorities of the place to act in his official capacity until the exequatur arrives. And on the receipt of such permission, or if no objection is made to his so acting, it is the duty of the outgoing Officer, or the subordinate in charge, to deliver the seals, archives, and other property of the office without waiting for the arrival of the exequatur. In countries in which the United States have no Diplomatic Representatives, it is usual for the Secretary of State to request the exequatur, by a letter addressed to the Minister of Foreign Affairs, inclosing the commission and asking that it may be delivered to the Consul upon his recognition. This letter is intrusted to the Consul, with instructions to seek a proper opportunity of presenting it after his arrival in the country of his official residence.

Exequatur and authority to act.

42. It is customary also to transmit for similar recognition and authority the certificates of appointment of all subordinate officers, except those of Consular Clerks, Interpreters, and Marshals. And in such cases, before entering upon his official duties, the Consular Officer will wait to receive notice of the approval of his nomination by the Department of State, and of the recognition by the Government of the country or until he receives permission from the local au-

Recognition of subordinate officers.

thorities to act. The subordinate officers mentioned in paragraph 32, who are required to give bond, are not authorized to take charge of their offices or enter upon the duties until the bond has been executed. Until that formality is complied with, the accounts for their compensation will not be adjusted at the Treasury Department, and they are without authority to draw upon the Government. A careful regard for this requirement will save much inconvenience.

#### ARTICLE IV.

##### Compensation of Consular Officers.

R. S., secs. 169J  
and 1730

**43.** For the purpose of compensation, the statutes distinguish between Consular Officers whose salaries are determined by law (and who are named in two schedules, viz, Schedule B, of Consular Officers who may not engage in business, and whose salaries exceed \$1,000 per annum, and Schedule C, of Consular Officers who may engage in business) and Consular Officers who receive their compensation from the fees they collect.

Periods of pay-  
ment

**44.** Consuls-General, Consuls, and Commercial Agents, in Schedules B and C, receiving salaries fixed by law are entitled to compensation at the rate of their respective salaries, as follows, viz:

R. S., sec. 1740.

1°. For the time, beginning with the date of the commission, actually and necessarily occupied in receiving instructions in the United States, not exceeding thirty days.

2°. For the time actually and necessarily occupied in the transit, by the most convenient route, between the places of their residence and their posts, not, however, to exceed the time fixed in paragraph 46. This applies both to the transit from the United States and to the transit to the United States at the termination of service unless the officer dies, or resigns or is recalled for malfeasance. In the event that the appointee is not in the United States at the time of appointment and receives his instructions while abroad, no allowance of salary will be made for the period so occupied, but only for so much of the prescribed time allowed for transit as shall be actually and necessarily occupied in reaching his post of duty.



3°. From the date of entry upon official duty at their posts to the date when they cease to perform the duties of the office. This provision extends also to the time, after arrival at their posts, while awaiting the receipt of the exequatur or permission to act, and to the time during which they may be unavoidably detained at their posts while waiting for a conveyance to the United States after delivering up the office. K. S., sec. 1740.

45.. No advance of salary or allowance in the nature of an outfit is made either for the Officer or his family; nor is transportation furnished by the Government to any Consular Officer. No outfit or advance.

46.. Under the authority conferred upon the Secretary of State by law, the following are established, and determined, and made public, as the maximum amount of time actually necessary to make the transit between each consular post in the several countries as follows, and the city of Washington, and *vice versa*, viz: Time of transit. 18 Stats., 70

Argentine Republic, forty-five days.

Austria-Hungary, thirty days.

Belgium, twenty days.

Bolivia, fifty days.

Brazil, forty days.

Barbary States, thirty-five days.

Chile, forty days.

China (except Peking and Tien-Tsin), fifty days.

Peking and Tien-Tsin, sixty days.

United States of Colombia:

Bogota, twenty-four days.

Aspiuwall, Panama, and Sabanilla, sixteen days.

Costa Rica, twenty-five days.

Denmark (excepting Saint Thomas), twenty-five days.

Saint Thomas, fifteen days.

Ecuador, thirty-five days.

Egypt, thirty-five days.

France, twenty days.

French possessions, viz:

Algiers, thirty-five days.

Gaboon, fifty days.

Martinique, twenty-five days.

Friendly and Navigators' Islands, seventy days.

Germany, twenty-five days.

Great Britain and Ireland, twenty days.

British possessions, viz:

Aden, forty days.

Barbadoes, twenty days.

Belize, twenty-five days.

Bermuda, ten days.

Guiana, thirty-five days.

Kingston, Jamaica, twenty days.

Nassau, fifteen days.

Tuk's Islands, twenty days.

Gibraltar, twenty-five days.

Malta, thirty days.

Anstralia, fifty days.

Cape Town, fifty-five days.

Falkland Islands, seventy days.

Mauritius, seventy days.

New Zealand, fifty days.

Seychelles, seventy days.

Saint Helena, forty-five days.

Calcutta, sixty days.

Fiji Islands, seventy days.

Ceylon, fifty days.

Singapore, sixty days.

Canada (excepting Winnipeg, Victoria, Gaspé Basin,  
New Brunswick, Nova Scotia, and Prince Edward  
Island), three days.

Victoria, twenty-five days.

Winnipeg, fifteen days.

Gaspé Basin, New Brunswick, Nova Scotia, and Prince  
Edward Island, six days.

Greece, thirty-five days.

Guatemala, thirty days.

Hawaiian Islands, thirty days.

Hayti, fifteen days.

Honduras, twenty-five days.

Italy, twenty-five days.

Japan, forty days.

Liberia, forty days.

Madagascar, seventy days.

**Mexico:**

City of Mexico, eighteen days.

Acapulco, twenty-five days.

Guaymas, twenty-five days.

Matamoros, twenty days.

Tampico, twenty days.

Vera Cruz, fifteen days.

Muscat, sixty days.

Netherlands, twenty days.

Batavia, Java, sixty days.

Nicaragua, twenty-five days.

Peru, forty days.

Portugal, twenty-five days.

Fayal, thirty days.

Funchal, thirty days.

Santiago, Cape Verde Islands, forty days.

Saint Paul de Loando, fifty days.

**Russia:**

St. Petersburg, thirty days.

Odessa, thirty days.

San Salvador, twenty-five days.

San Domingo, fifteen days.

Siam, sixty days.

Society Islands, seventy days.

Spain, twenty-five days.

Spanish possessions, viz :

Havana, seven days.

Santiago de Cuba, twelve days.

Porto Rico, twenty days.

Trinidad de Cuba, twelve days.

Matanzas, seven days.

Manila, sixty days.

Sweden and Norway, twenty-five days.

Switzerland, twenty days.

Turkey, forty days.

Uruguay, forty-five days.

Venezuela, twenty-five days.

47. The allowance for time actually and necessarily occupied by each Consular Officer who may be entitled to such allowance shall in no case exceed that for the time thus

established and determined with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such Officer. No exception will be made to the application of this rule, unless it shall be satisfactorily shown to the Secretary of State that the delay in excess of the prescribed time was caused by illness actually disabling the Officer from continuing his journey, or by circumstances wholly beyond his control.

Allowance to  
widow or heirs.  
R. S., sec. 1749.

**48.** It has been provided by law that whenever a Consular Officer dies in a foreign country in the discharge of his duty, there shall be paid to his widow, or, if no widow survive him, then to his heirs-at-law, a sum of money equal to the allowance made to such Officer for the time necessarily occupied in making the transit from his post of duty to his residence in the United States. The amount is paid directly to the widow, or heirs, as the case may be, on application to the First Comptroller of the Treasury. As the allowance for transit is made to salaried Consular Officers only, this provision does not apply to those Officers who are compensated by fees.

Feed Officers.  
14 Stats., 226; R.  
S., secs. 1730, 1732,  
and 1740.

**49.** A Consul-General, Consul, or Commercial Agent, not embraced in Schedule B or C, is allowed as an equivalent for a salary such fees as he may collect in pursuance of law and these regulations to an amount not exceeding \$2,500 in each fiscal year. This compensation begins with the date of entry upon the duties of the office and terminates with the expiration of service at the post. No allowance is provided for the time occupied in receiving instructions or for the expenses of transit either to or from the post of duty. In case the fees collected exceed the sum of \$2,500, he is further authorized to retain from the excess the actual expense of office rent at a rate not greater than \$500 a year, and also such a sum for clerk-hire as shall be determined by the Department of State. In no case is authority granted to draw upon the Government for compensation, or for the expense of rent or clerk-hire.

Office rent and  
clerk-hire at feed  
Consulates.

**50.** The payment of office rent and clerk-hire at feed Consulates must be made, if at all, from the fees of the Consulate. The fees received from any Consular Agencies at-

tached to such a Consulate are not a part of the Consul's compensation in such sense that they can be regarded, when added to the fees received at the Consulate, as making a basis for an allowance for office rent or clerk-hire.

**51.**.. When a principal Consular Officer resigns at his post and remains there, with the sanction of the Department of State, in the discharge of the duties of the office, he is entitled to the compensation until his successor enters upon the duties, or until he delivers the office to the Vice-Consular Officer, or otherwise ceases to act.

Pay on resignation.

**52.**.. Consuls and Commercial Agents whose annual salaries do not exceed \$1,500, and at whose offices, exclusive of Consular Agencies, fees are collected and paid into the Treasury of the United States to the amount of \$3,000, were formerly entitled to compensation at the rate of \$2,000 a year. The provisions of section 1702 of the Revised Statutes, under which this compensation was authorized, were repealed by the Consular and Diplomatic Act approved June 4, 1878. The additional compensation is consequently no longer allowed.

Salary of \$2,000 no longer allowed in certain cases.

**53.**.. For such time as a Consular Officer may, under instructions, perform diplomatic functions in the absence of the regular Diplomatic Officer in the country to which he is appointed, he is entitled, in addition to his compensation as such Consular Officer, to receive compensation for his diplomatic services at the rate allowed by law for a Secretary of Legation in such country. This rate has been fixed at fifteen per centum of the salary provided for the Diplomatic Representative. In countries in which the United States have no such representative, a Consular Officer is not authorized to prefer any claim for extra compensation for services that may partake of a diplomatic character, whether performed under the instructions of the Department of State or otherwise. In case, however, that expenses are incurred in carrying out the Department's instructions, such expenses will be reimbursed, if found proper on examination.

Pay when performing Diplomatic duties.  
R. S., sec. 1739.

**54.**.. A retiring Diplomatic Representative has no authority to install a Consular Officer in charge of a Legation unless expressly authorized by the President so to do; nor can the Consular Officer receive the pay provided by law for

5 C. C. Repts., 430.

a *Chargé d'Affaires*. It is not unusual, however, for a Consular Officer to be charged with the custody of the archives and property of a Legation. This circumstance does not invest him with any diplomatic character or functions, and no allowance will be made to him except for the necessary expenses of such custody.

Salary during absence.  
R. S., sec. 1742.

**55.** It is provided by law that no Consular Officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but that the time equal to that usually occupied in going to and from the United States, in case of the return, on leave, of such Officer to the United States, may be allowed in addition to the sixty days. The year referred to is declared to be the calendar year. A salaried Officer may accordingly receive the salary of his office for sixty days while absent from his post on leave, and also for the time of transit both to and from his residence in case he visits the United States, as provided for in paragraph 46. This compensation is, however, subject to the agreement with the Vice-Consul-General, Vice-Consul, or Vice-Commercial Agent, as the case may be; or (if there be no agreement between them) to the regulations providing for the compensation of these subordinate officers in paragraph 59. In case the principal Officer does not visit the United States, no salary will be allowed after the expiration of sixty days.

Absence for ten days.  
R. S., sec. 1741.  
18 Stat., 77.

**56.** When a salaried principal Officer or a Consular Clerk is absent from his post for a period exceeding ten days at any one time, without permission previously obtained from the President through the Department of State, no portion of the salary or compensation of the office will be allowed for any time in excess of the ten days, unless the propriety and necessity of the absence shall be made clear to the Department. It is understood that the provision in regard to an absence of ten days was intended to meet those cases of sudden emergency which allow no sufficient time for communicating with the Department, and in which some serious detriment to the health or the affairs of the Officer, or otherwise, is likely to occur before a formal application can be acted upon. It is not to be assumed that an unauthorized absence of ten days can be taken as a matter of course. The circumstance of dis-

tance between the Department and its Officers abroad requires that the use of the permission granted by statute should be intrusted to their fidelity and honor; and when an Officer is known to violate the confidence reposed in him in this respect, he must expect to incur the serious displeasure of the President.

**57.** A Consular Officer will not be entitled to the compensation of his office in case he is recalled for malfeasance, or resigns in anticipation of such recall, except to the date of such resignation, or of the receipt by him, or at the Consulate, of the notification of the recall. In neither case will compensation be allowed for the time occupied in the transit to the United States. But the right is reserved in any such case to direct the retention of any part or the whole of the compensation and of any sum due to such Officer, if the circumstances are deemed to justify that course.

Resignation or recall for malfeasance. R. S., sec. 1740.

**58.** The right to compensation of a principal Officer resigning in the United States, while on leave of absence, terminates with the date of the acceptance of the resignation.

Resignation in the United States.

**59.** The compensation of a Vice-Consul-General, Vice-Consul, or a Vice-Commercial Agent is provided for only from that of the principal Officer. The rules in respect to his compensation are as follows, viz:

Compensation of Vice-Consular Officers. R. S., sec. 1703.

1. In case the principal Officer is absent on leave for sixty days, or less, in any one calendar year, and does not visit the United States, the Vice-Consular Officer acting in his place is entitled to one-half of the compensation of the office from the date of assuming its duties, unless there is an agreement for a different rate, the principal Officer receiving the remainder. But after the expiration of the sixty days, or after the expiration of the principal's leave of absence (if less than sixty days), the Vice-Consular Officer is entitled to the full compensation of the office.

2. If the principal visits the United States on such leave and returns to his post, the foregoing rule will include the time of transit both from and to his post, as fixed in paragraph 46. But if the principal does not return to his post, either because of resignation or otherwise, the rule will embrace only the time of absence, not exceeding sixty days, together with the time of transit from his post to his residence in the United States.

3°. If a principal Officer absents himself from his post for a longer period than ten days without leave, the Vice-Consular Officer will be entitled to the full compensation of the office for the excess over ten days, unless the absence shall have subsequently been approved by the Department of State. If the absence shall have received such approval, the compensation will be regulated by the rules herein laid down as to other leaves of absence.

4°. If the principal officer dies at his post, or if he resigns or is recalled for malfeasance, the Vice-Consular Officer is entitled to the full compensation from the date of entering upon the duties of the office.

5°. When a principal Officer resigns at his post and delivers the office to the Vice-Consular Officer, the latter will receive the full compensation of the office from the date of entering upon its duties. When, however, the resignation is tendered while the principal is in the United States on leave, the Vice-Consular Officer will receive the full compensation from the date of its acceptance by the Department of State; but in this case his compensation for the period between the date of assuming the duties and that of the acceptance of the resignation will be in accordance with the foregoing rules respecting compensation during leaves of absence.

6°. A Vice-Consul-General, Vice-Consul, or a Vice-Commercial Agent, designated by the Diplomatic Representative to fill a vacancy as provided for in paragraphs 113 and 114, is entitled to the compensation of the office from the date of assuming its duties.

No transit pay to  
Vice-Consular Officers.  
R. S., sec. 1740.

7°. No allowance has been provided by law for the compensation of a Vice-Consul-General, Vice-Consul, or Vice-Commercial Agent, or of any subordinate Officers (except Consular Clerks and Marshals) while receiving instructions, or during transit to or from his post, or for traveling expenses.

Drafts of Vice-  
Consular Officers.

60.. When a Vice-Consular Officer is authorized by his principal to draw the salary of the office, or any part thereof, during the absence, on leave or otherwise, of the latter, the First Comptroller of the Treasury should at once be advised, in order that any drafts therefor may be duly protected. No



drafts of a Vice Consular Officer, when in charge of a Consulate, will be honored at the Treasury until the bond prescribed in paragraph 34 shall have been filed.

**61.**..No provision has been made for the compensation of Deputy Consuls-General, Deputy Consuls, or Deputy Commercial Agents, except from the allowance made by law for the principal Consular Officer. They are, therefore, not entitled in that character to any compensation from the Government, except as thus provided for, but their services must be paid for by the principal Officer.

Pay of Deputy  
Consular Officers.

**62.**..The compensation of Consular Agents is derived from such fees as they may collect under these regulations, or so much thereof as shall be determined by the President. They are, however, not authorized in any event to retain more than \$1,000 in any fiscal year, besides a sum sufficient to pay for stationery and postage for official purposes.

Compensation of  
Consular Agents.  
R. S., secs. 1703  
and 1733.

**63.**..It is usual, in view of the responsibility to which a principal Officer is held for the acts of his agents, for him to enter into an agreement with the latter as to the division of the fees collected at the agency within the limit allowed to each for his services. This agreement relates both to the time and manner of making the division, and to the share to be received by each. The agent is not authorized to take precedence over the principal in the division, by first deducting his share to the exclusion of the principal. The Department of State is averse to interposing in such agreements, and will not intervene unless in cases of manifest injustice. The right is, however, at all times reserved not only to appoint such agents directly by the Department without reference to the principal, but also to assign such share of the fees for the agent's compensation as shall be deemed proper.

Agreement with  
Consular Agent.

**64.**..Consular Clerks appointed by the President receive a salary of \$1,000 a year. Those who have remained continuously in service for the period of five years are entitled to a salary of \$1,200 a year. They are also paid the actual and necessary expenses of travel between their residences and their posts of duty on appointment and return, and during a transfer, under orders, from one post to another while abroad.

R. S., sec. 1703.

Compensation of  
Consular Clerks.  
R. S., secs. 1704  
and 1705; 18 Stats.,  
70.

**When appointed Vice-Consul.** **65.** Consular Clerks are not unfrequently appointed Vice-Consuls-General, Vice-Consuls, and Vice-Commercial Agents, and such appointments are encouraged by the Department of State. When acting in this character they are entitled to the compensation of a Vice-Consular Officer, but not in addition to the salary of Consular Clerk. They may, in such cases, elect which of the two compensations they will take.

**Compensation of Interpreter. Act of June 11, 1874.** **66.** Annual salaries have been provided by law for Interpreters at the following Consulates, viz: Shanghai, \$2,000; Kanagawa, Foochow, and Tien-Tsin \$1,500 each; Amoy, Canton, Hankow, and Hong-Kong, \$750 each; and a salary at the rate of \$500 is appropriated for twelve other Consulates in China, Japan, and Siam. These salaries are provided for yearly in the appropriation act, and are subject to such changes as may from time to time be made by Congress.

**Expenses of interpretation.** **67.** An appropriation is also annually made for the expenses of interpretation at Cairo, Constantinople, Beirut, Jerusalem, and Smyrna. The allowance from this appropriation to each of those Consulates is fixed by the Secretary of State, and is, when the fees are not sufficient, paid by a draft on that officer.

**Compensation of Marshals. U. S., sec. 4111.** **68.** Annual salaries at a rate not exceeding \$1,000 are likewise appropriated by Congress for seven Marshals at Consular Courts. Of these officers, one each is stationed at Amoy, Foochow, Hankow, and Tien-Tsin, in China, and one each at Kanagawa, Constantinople, and Nagasaki.

**Constables.** **69.** At certain of the Consulates in China, Japan, Siam, and Turkey, an allowance has also been provided for the hire of constables, but no salary has been fixed by law. The expense of their employment, if the fees are not sufficient, is paid by draft on the Secretary of State.

**Office Clerks.** **70.** Office clerks, except those at the places mentioned in paragraph 24, receive no compensation from the Government, and, if employed, are to be paid by the principal Officer. The selection and removal of such clerks are left to the Consul, but it is desirable that the name and nationality of each clerk should be reported to the Department of State. When an allowance for clerk-hire has been provided for a Consulate, the account therefor should be rendered as a separate account to the Department of State by the principal Officer,

the ages, and before the establishment of Legations, Consuls appear to have territoriality, and the privileges and

Consular privileges under Law of Nations.

immunities now accorded to Diplomatic Representatives. In non-Christian and semi-civilized countries these privileges have, to a large degree, been preserved to them, and they have the sanction both of treaty and usage. Upon the establishment of Legations, however, the exemptions and immunities granted to Consuls came to be regarded as a limitation of the territorial rights of the sovereign, and they have in the process of time been restricted to such as are necessarily incident to the Consular office, or have been provided for by treaty, or are supported by long-established custom, or the particular laws of the place. A Consular Officer in civilized countries now has, under public law, no acknowledged representative or diplomatic character as regards the country to which he is accredited. He has, however, a certain representative character as affecting the commercial interests of the country from which he receives his appointment; and there may be circumstances, as, for example, in the absence of a Diplomatic Representative, which, apart from usage, make it proper for him to address the local government upon subjects which relate to the duties and rights of his office, and which are usually dealt with through a Legation.

Ground and extent of authority.

**76.** Although Consuls have no right to claim the privileges and immunities of Diplomatic Representatives, they are under the special protection of international law, and are regarded as the Officers both of the State which appoints and the State which receives them. The extent of their authority is derived from their commission and their *exequatur*; and it is believed that the granting of the latter instrument, without express restrictions, confers upon the Consul all rights and privileges necessary to the performance of the duties of the Consular Office; and, generally, a Consul may claim for himself and his office not only such rights and privileges as have been conceded by treaty, but also such as have the sanction of custom and local law, and have been enjoyed by his predecessors or by Consuls of other nations, unless a formal notice has been given that they will not be extended to him.

General privileges and rights.

**77.** A Consul may place the arms of his Government over his doors. Permission to display the national flag is not a

matter of right, though it is usually accorded, and it is often provided for by treaty. He may claim inviolability for the archives and official property of his office, and their exemption from seizure or examination. He is protected from the billeting of soldiers in the Consular residence, and he may claim exemption from service on juries and in the militia, and from other public duties. It is probable, however, that all these privileges could not be claimed for subordinate officers, especially for those who are citizens or subjects of the foreign State. The jurisdiction allowed to Consuls in civilized countries over disputes between their countrymen is voluntary and in the nature of arbitration, and it relates more especially to matters of trade and commerce. A Consul is, however, under public law, subject to the payment of taxes and municipal imposts and duties on his property in the country or on his trade, and generally to the civil and criminal jurisdiction of the country in which he resides. It is probable, if he does not engage in business, and does not own real estate, that he would not be subject to arrest or incarceration except on a criminal charge, and in the case of the commission of a crime he may either be punished by the local laws or sent back to his own country. In the absence of a Diplomatic Representative, a Consul doubtless has the right of access to the authorities of the State in all matters appertaining to his office.

78.. The privileges of a Consul who engages in business in the country of his official residence are, under international law, more restricted, especially if he is a subject or citizen of the foreign State. If his exequatur has been granted without limitations, he may claim the privileges and exemptions that are necessary to the performance of the duties of the office; but in all that concerns his personal status or his status as a merchant, it is doubtful that he can claim any rights or privileges not conceded to other subjects or citizens of the State.

79.. In Mahometan and semi-civilized countries, the rights of extritoriality have been largely preserved, and have generally been confirmed by treaties to Consular Officers. To a great degree they enjoy the immunities of Diplomatic Representatives, besides certain prerogatives of jurisdiction,

Trading Consul.

In Mahometan  
and semi-civilized  
countries.

together with the right of worship, and, to some extent, the right of asylum.

80.. These immunities extend to an exemption from both the civil and criminal jurisdiction of the country to which they are sent, and protect their household and the effects covered by the Consular residence. Their personal property is exempt from taxation, though it may be otherwise with real estate or movables not connected with the Consulate. Generally they are exempt from all personal impositions that arise from the character or quality of a subject or citizen of the country.

Jurisdiction is both civil and criminal.

81.. The Consular jurisdiction in these countries is both civil and criminal, and has in most cases been provided for by the stipulations of treaties. The extent of its exercise, as well as the penalties and punishments to be enforced, depend generally upon the laws of his own country to the exclusion of the jurisdiction of all local tribunals.

Precedence and ceremonial.

82.. Consuls have no claim, under international law, to any foreign ceremonial, and no right of precedence except among themselves, and in their relation to the military and naval officers of their own country. This precedence, as to Officers of the same grade in the Consular Body of the place, depends upon the date of the respective exequaturs.

## ARTICLE VI.

### **The Privileges and Powers of Consular Officers of the United States under Treaties and Conventions with Foreign Powers.**

General considerations.

83.. Consuls must bear in mind that in the following abstract it is impossible to do more than allude in a general way to the rights and privileges secured by treaties. The several Consular treaties and conventions with other Powers may be found in Appendix No. 1, and in each case the Consul must look there for more detailed information. It is also possible that more extended rights may have been granted to Consuls of other nations, and that the officers of the United States may be entitled to claim them under the clause known as "the most favored nation clause," in a treaty with the United States. This right is secured by treaties with

the Argentine Confederation, Austria-Hungary, Bolivia, Colombia, Costa Rica, the Dominican Republic, Denmark, Ecuador, France, Germany, Hawaiian Islands, Hayti, Honduras, Italy, Madagascar, Morocco, Mexico, Nicaragua, Netherlands (and colonies), Orange Free State, Paraguay, Persia, Peru, Portugal, Prussia, Russia, San Salvador, Spain, Swiss Confederation, and Tripoli. The Department must necessarily trust to the discretion of the Consul on the one hand not to permit his rights to be invaded without protest, nor on the other hand to claim what he cannot maintain. If the rights thus secured by treaty are in any case invaded or violated, the Consul will at once complain to the local authorities, to the Department, and to his immediate superior. These complaints should set forth in full all the facts showing the invasion or violation.

#### INVIOIABILITY OF THE ARCHIVES AND PAPERS OF THE CONSULATE.

**84.** This is secured by treaties with Austria-Hungary, the Argentine Confederation, Bolivia, Belgium, Colombia, Denmark, Dominican Republic, Ecuador, France, Germany, Greece, Hayti, Mexico, The Netherlands (and colonies), Orange Free State, Peru, Portugal, Salvador, Sweden and Norway, Switzerland, Muscat, and New Grenada.

#### INVIOIABILITY OF THE CONSULAR OFFICE AND DWELLING.

**85.** This is secured by treaties with Belgium, Bolivia, France, Germany (of Consuls not citizens), Italy, Muscat, and Salvador; but the dwelling cannot be used as an asylum. It is agreed with Colombia that the persons and dwellings of Consuls are to be subject to the laws of the country except as specially exempted by treaty. The Consulates in Germany are not to be made asylums for the subjects of other powers.

#### EXEMPTION FROM ARREST.

**86.** By convention with Belgium, Germany, Netherlands, and Italy, the Consul is exempted from arrest, except for crimes. By treaty with Turkey he is entitled to suitable distinction and necessary aid and protection. In Muscat he

enjoys the inviolability of a diplomatic officer. In Austria-Hungary and France he is to enjoy personal immunities; but in France, if a citizen of France, or owning property there, or engaged in commerce, he can claim only the immunities granted to other citizens of the country who own property, or to merchants. In Austria-Hungary, if engaging in business, he can be detained only for commercial debts. In Colombia the Consuls of the United States have no diplomatic character. In Great Britain, Liberia, Netherlands (as to colonies), Nicaragua, and Paraguay, they are regarded as appointed for the protection of trade.

#### EXEMPTION FROM OBLIGATION TO APPEAR AS A WITNESS.

Exemption as  
witnesses.

**87.**—This is secured absolutely by convention with France; and, except for defense of persons charged with crime, by conventions with Austria-Hungary, Belgium, Italy, and Salvador. In such case the testimony may be taken in writing at his dwelling. If the Consul claims this privilege, he should, in such case, offer to give his evidence in the mode prescribed by the particular convention, and should throw no impediment in the way of the proper administration of justice in the country of his official residence.

#### EXEMPTION FROM TAXATION.

Exemption from  
taxation.

**88.**—When the Consul is not a citizen of the country in which the Consulate is situated, and does not own real estate therein, and is not engaged in business therein, he is secured against the liability to taxation by treaties or conventions with Austria-Hungary, Belgium, Bolivia, Denmark, Ecuador, France, Germany, Hayti, Italy, the Netherlands (and colonies), Peru, Salvador, Colombia, and Mexico; and in Germany the official income of a Consul is not taxable; but in the Dominican Republic, the Orange Free State, Persia, Portugal, the Hawaiian Islands, Russia, and Switzerland, if they engage in business they are subject to the laws of the country. And, in general, if a Consular Officer engages in business or owns property in the country of his official residence, he cannot claim other exemptions in respect of such business or property than are accorded to citizens or subjects of the country.



## EXEMPTION FROM MILITARY BILLETINGS OR SERVICE AND PUBLIC SERVICE.

**89.** If not citizens of the country of their Consular residence or domiciled at the time of the appointment in it, the exemption from military billetings or service is secured by conventions with Austria-Hungary, Belgium, France, Germany, Netherlands, and Italy; and the exemption from all public service is secured by treaties with Denmark, Germany, Peru, San Salvador, Colombia (New Granada), and Mexico. In Colombia, the exemption also extends to officers, secretaries, and attachés. From military services, &c.

## INFRACTION OF TREATIES.

**90.** The right in such case to correspond with the local authorities is secured by conventions with Austria-Hungary, Belgium, Colombia, France, Germany, Italy, Netherlands (and colonies), and Salvador; and in case the local authorities fail to give redress, and there be no Diplomatic Representative, they may apply to the Government. On infraction treaty.

## THE USE OF THE NATIONAL ARMS AND FLAGS ON OFFICES AND DWELLINGS.

**91.** The right to place the national arms and the name of the Consulate on the offices is given by treaties with Austria-Hungary and the Netherlands (and colonies); on their offices or dwellings by treaty with Belgium and Germany; the right to place the national flag on their dwellings, except where there is a Legation, by treaties with Austria-Hungary, Belgium, and Germany; the right to place the arms, name, and flag on their offices or dwellings by treaties with France and Salvador; and on their offices by treaty with Italy; and the right to place the name and flag on their dwellings by treaty with Colombia. National flag and arms.

## DEPOSITIONS.

**92.** The right to take depositions is secured by conventions with Austria-Hungary, Belgium, France, Germany, Italy, Netherlands, New Granada, and Salvador. Objection has been raised by the German Government to the taking of testimony by Consular Officers of the United States in Germany, except Depositions.

For. Rels., 1874. as provided by Article IX of the treaty of 1871. Efforts have been made to induce the German authorities to permit testimony to be taken with the same freedom as in the United States, but without effect, it being stated that the laws of Germany provide for letters-rogatory in such cases.

#### JURISDICTION OVER DISPUTES BETWEEN MASTERS, OFFICERS, AND CREWS.

Jurisdiction over vessels, &c. **93.** Exclusive jurisdiction over such disputes in the vessels of the United States, including questions of wages, is conferred by treaties or conventions with Austria-Hungary, Belgium, Colombia, Denmark, Dominican Republic, France, Germany, Greece, Italy, the Netherlands (and the colonies), Portugal, Russia, Salvador, Sweden and Norway, and Tripoli.

#### RIGHT TO RECLAIM DESERTERS.

Deserters. **94.** The right to reclaim deserters from the vessels of the United States is conferred by treaties or conventions with Austria-Hungary, Bolivia, Belgium, Colombia, Denmark, Ecuador, France, Greece, Germany, Hanseatic Republics, Hawaiian Islands, Hayti, Italy, Japan, Mexico, Madagascar, the Netherlands (and colonies), Peru, Portugal, Russia, Salvador, Sweden and Norway, Dominican Republic, and Siam; but if the deserter has committed a crime against local law, the surrender will be delayed until after punishment.

#### SALVAGE AND WRECKS.

Salvage and wrecks. **95.** Their powers to adjust damages suffered at sea and in matters of wrecks and salvage are settled by treaties with Austria-Hungary, Belgium, Bolivia, Borneo, China, New Granada, Dominican Republic, Ecuador, France, Germany, Greece, Guatemala, Hawaiian Islands, Hayti, Honduras, Italy, Japan, Lew Chew, Liberia, Madagascar, Mexico, Morocco, Muscat, Netherlands (including colonies), Ottomau Porte, Paraguay, Pern, Salvador, Siam, Spain, Sweden and Norway, Tripoli, Tunis, and Venezúela. In Muscat and the Ottoman Dominions they have the right, in the absence of the owner or agent, to receive the property of American citizens wrecked or captured from pirates.

## ESTATES OF CITIZENS OF THE UNITED STATES, DECEASED.

**96.** In Austria-Hungary, Belgium, Germany, Italy, and the Netherlands (and colonies), the local authorities are required to inform Consuls of the death of their countrymen, intestate, or without known heirs. In Germany, Consuls have the right to appear for absent heirs or creditors until regularly authorized representatives appear. In Peru, Salvador, Tunis, Morocco, Muscat, Persia, and Tripoli they may administer on the property of their deceased countrymen. In Colombia they may do so, except when legislation prevents it. In Costa Rica, Honduras, and Nicaragua they may nominate curators to take charge of such property, so far as local laws permit. In Paraguay they may become temporary custodians of such property. In Germany they may take charge of the effects of deceased sailors.

Estates of citizens.

## EXTRADITION OF FUGITIVE CRIMINALS.

**97.** Provision has been secured in the treaties with certain countries under which the requisitions for the surrender of fugitives from justice may be made by Consular Officers, in the absence of a Diplomatic Representative. In such cases the requisition is made by the superior Consular Officer. Treaties of this character have been concluded with Belgium, the Dominican Republic, Ecuador, Italy, Netherlands, Nicaragua, Orange Free State, Ottoman Empire, Salvador, Siam, Spain, Sweden and Norway, and the Swiss Confederation.

Extradition of criminals.

## JURISDICTION OVER OFFENSES AND CRIMES.

**98.** Consuls have exclusive jurisdiction over crimes and offenses committed by citizens of the United States in Borneo, China, Japan, Madagascar, and Siam. In Morocco, Tripoli, and Tunis the Consuls are empowered to assist in the trials of citizens of the United States accused of murder or assault. In Persia citizens of the United States committing offenses are to be tried and judged in the same manner as are the subjects or citizens of the most favored nation. Americans committing offenses in Turkey should be tried by their Minister or Consul, and are to be punished according

Jurisdiction over offenses.

to their offense, following, in this respect, the usage observed toward other Franks ; but, in consequence of a disagreement as to the true text of the treaty, Consuls in the Ottoman Dominions are instructed to take the directions of the Minister of the United States at Constantinople in all cases before assuming to exercise jurisdiction over criminal offenses.

Ms. Dept of State. **99** . . In China and Japan the question of the judicial authority of Consuls of the United States over persons serving on American vessels has been construed as authorizing Consular Officers to assume jurisdiction where offenses are committed on shore by foreigners serving on board American merchant vessels, when such foreigners are citizens or subjects of countries having no treaty engagements upon the subject with China and Japan, or when, being subjects or citizens of treaty powers, their own Consuls decline to assume jurisdiction. Under other circumstances a Consul of the United States in China cannot entertain a criminal charge against a citizen or subject of another power.

**100** . . Seamen serving on board public vessels of the United States, who have committed offenses on shore in Japan and China, are held to be subject to the jurisdiction of the Consul of the country under whose flag they are serving.

#### CIVIL JURISDICTION.

Over civil cases. **101** . . Jurisdiction over civil disputes is conferred by treaties with Borneo, China, Japan, Ottoman Porte, Madagascar, Siam, Morocco, Muscat, Persia, Tripoli, Tunis, and the Samoan Islands. This jurisdiction is exclusive in disputes between citizens of the United States. In Persia suits and disputes between Persian subjects and American citizens are to be heard before the Persian tribunal where the Consul is located, and in the presence of an employé of the Consul. In Japan it extends to claims of Japanese against Americans. In China, Siam, and Samoa the jurisdiction is joint in controversies between Americans and Chinese, Siamese, or Samoans. In Madagascar the exclusive jurisdiction extends to disputes between citizens of the United States and subjects of Madagascar. In Turkey there can be no hearing in a dispute between Turks and Americans unless the dragoman of the Consulate is present.

## ARTICLE VII.

**Relations of Consular Officers to the Diplomatic Representatives of the United States.**

**102.**.. The several Consuls-General hereinbefore referred to (paragraphs 4, 6, 7, and 8) as having supervisory powers are to be regarded as the immediate official superiors of the Consuls whose correspondence with the Department is directed to be conducted through them. Relations of Consuls-General to Consuls.

**103.**.. These Consuls-General will exercise, respectively, to the extent herein provided, the supervisory powers over the Consuls and Consulates within their respective jurisdictions which in other cases are vested in the Diplomatic Representatives of the United States.

**104.**.. The several Consuls subordinate to them, respectively, will not correspond officially with the Diplomatic Representatives of the United States in those respective countries, unless in reply to communications or inquiries from them, but will make all their representations through their respective Consulates-General.

**105.**.. In their turn these Consuls-General will maintain the relations to the respective Ministers to those countries where they reside that Consuls do to Diplomatic Representatives in other countries. The Consul-General in Cuba is, however, directly responsible to the Department of State. To Diplomatic Representatives

**106.**.. Requests for leaves of absence, or for the appointment of Vice or Deputy Consuls or of any of the subordinate officers mentioned in paragraphs 22, 23, and 32, by principal Consular Officers in Austria-Hungary, China, France (except the colonies, but including Algiers), Germany, the United Kingdom of Great Britain (except the colonies), the Dominion of Canada (except British Columbia and Manitoba), Hayti, Italy, Japan, Russia, Cuba, and Turkey, must be accompanied by the written approval of the proper Consul-General therefor. The principal Consular Officers in Brazil and the Australasian Colonies will follow, as to such requests, the instructions of paragraph 4 as to their correspondence. Leaves of absence and appointments in certain countries

**107.**.. Similar requests from principal Officers in the Argentine Confederation, Belgium, Bolivia, Chili, Costa Rica, Denmark (except the colonies), Guatemala, Hawaiian Isl- Similar requests in other countries,

ands, Honduras, Netherlands (except the colonies), Nicaragua, Peru, Portugal and dependencies (except St. Paul de Loanda), Roumania, Salvador, Spain (except the colonies), Sweden and Norway, Switzerland, Uruguay, and Venezuela must be accompanied by the written approval of the Diplomatic Representative of the United States resident in the country.

*In other countries.* **108.** In Colombia, Liberia, and Mexico similar requests should be addressed directly to the Department of State; but on the receipt of notice of the granting of a leave of absence the Consular Officer will promptly inform the Diplomatic Representative (and in Mexico, the Consul-General) of the contemplated date of departure and of the name of the subordinate left in charge of the office.

*In other countries.* **109.** Principal Consular Officers in British Columbia, Manitoba, and in all British dependencies (except as hereinbefore provided for), the Canary Islands, Curaçoa, Dutch Guiana, Ecuador, Fiji Islands, the French dependencies (except Algeria), Greece, Java, Madagascar, Muscat, Philippine Islands, Porto Rico, Samoan Islands, San Domingo, St. Martin's, St. Thomas, St. Paul de Loanda, Siam, Society Islands, and Sumatra will address similar requests directly to the Department of State.

*Instructions when new offices are established.*

**110.** In case of the establishment of new Consulates or Commercial Agencies in countries where there is no Legation or Consulate-General of the United States, the appointees may expect to receive instructions as to the manner of addressing and transmitting their correspondence and requests for leaves of absence and the appointments of subordinate officers. In countries, however, where there is a Legation or a Consulate-General, such new appointees will, in the absence of special instructions, be governed in these respects by the foregoing regulations.

*Requests, how addressed.*

**111.** In all cases requests for leaves of absence and for the appointment of subordinate officers, whether submitted to a Diplomatic Representative or a Consul-General, or sent directly to the Department, should be addressed to the proper Assistant Secretary of State, in accordance with the instructions of paragraph 148. Both delay and inconvenience have been caused by addressing them to the superior office in the country of official residence.

**112.** The Diplomatic Representatives in countries where there is no Consul-General with supervisory powers will continue, as heretofore, to exercise a general supervision of the Consular Offices within their respective jurisdictions. And, generally, these Representatives will maintain such correspondence with Consular Officers in the countries to which they are accredited as they may deem conducive to the public interest. It will be the duty of Consular Officers to endeavor in all cases to comply with the requests and wishes of their superiors.

**113.** In case a vacancy occurs in the offices both of Consul and Vice-Consul, which requires the appointment of a person to perform temporarily the duties of the Consulate, the Diplomatic Representative has authority to make such appointment, with the consent of the foreign government and in conformity to law and these regulations, immediate notice being given to the Department of State. In those countries, however, where there are Consuls-General, to whom the nominations of subordinate officers are required to be submitted for approval, the authority to make such temporary appointments is lodged with them. Immediate notice should be given to the Diplomatic Representative of the proposed appointment, and, if it can be done within a reasonable time, he should be consulted before the appointment is made. If such a vacancy should occur in a Consulate-General, the temporary appointment will be made by the Diplomatic Representative.

**114.** It is desirable that the appointees to such vacancies should be designated by the title of Vice-Consul or Vice-Commercial Agent, as the case may be, instead of acting Consul or acting Commercial Agent, and that they should qualify for the office by filing a proper bond in the Department of State, in the manner prescribed for such Officers (paragraph 34). The nomination for the temporary appointment of an Interpreter or Marshal to a Consulate, in the case of a vacancy, should be made by the Consul, or by the Vice-Consul if he is in charge, with the approval of the Consul-General, if there be one having supervisory powers; otherwise, with the approval of the Diplomatic Representative.

Duties of Diplomatic Representatives.

Subordinate appointments by Diplomatic Representatives.

Title of such appointees.

Suspension by Diplomatic Representatives.

**115.**.. Occasions may arise in which the official or personal conduct of a Consul or Commercial Agent is of a character that makes it desirable and proper, in the interests of good service, that he should at once be suspended from his functions. Under the general supervisory authority conferred upon a Diplomatic Representative, this power may be exercised so far as to suspend temporarily an Officer until the decision of the Department of State can be made known. Such an extreme measure, however, should be resorted to only in cases of grave misconduct or criminality, and in no case when the reasons deemed to justify it can be promptly communicated to the Department.

#### ARTICLE VIII.

##### **Relations of Consular Officers to Naval Officers of the United States.**

Commanders of squadrons.

**116.**.. When a squadron visits a port where there is a Consular Officer, it will be the duty of the Commander of the Squadron to send a boat on shore, with an officer on board, who shall visit the Consul-General, Consul, or Commercial Agent, and tender him a passage to the ship.

Duty of Consuls.

**117.**.. It will then be the duty of the Consul-General, Consul, or Commercial Agent to accept the invitation and visit the flag-ship, and tender his official services to the Commander. He will be entitled once while the vessel is in port to a salute of nine guns, if a Consul-General, and of seven guns if a Consul, and of five guns if a Commercial Agent, which may be fired either while he is on board (which is unusual) or while he is being conveyed from the vessel to the shore; in the latter case he will face the vessel, and at the end of the salute acknowledge it by raising his hat.

Commanders of vessels.

**118.**.. It is the duty of the Commander of an American ship of war, not a Commander of a Squadron or in chief, to pay the first visit in person to a Consul-General, and to offer him a passage to the ship.

Salutes.

**119.**.. If the Consular Officer be of the grade of Consul or a Commercial Agent, or lower, a boat will be sent (on arrival of the vessel in port) with an officer to visit him, and



tender a passage to the ship. It will be the duty of the Consular Officer to accept it, and he will be entitled to a salute of the number of guns herein prescribed.

**120.** Vice-Consuls-General, Deputy Consuls-General, Vice-Consuls, Deputy Consuls, Consular Agents, and Vice-Commercial Agents will receive a salute of three guns.

**121.** While Consular Officers are expected to use their official position to advance the interests of the Navy, it may be remarked that their salaries are not established on a scale to require social attentions to the officers which call for the expenditure of money, unless they see fit to give them; and that the fact that such attentions have been given, or supposed to be required, will not justify a Consul in asking increased compensation.

**122.** They are also reminded that the Navy is an independent branch of the service, not subject to the orders of this Department, and that its officers have fixed duties prescribed for them; they will therefore be careful to ask for the presence of a naval force at their ports only when public exigencies absolutely require it, and will then give the officers in command in full the reasons for the request, and leave with them the responsibility of action. If the request is addressed to the Department of State, the reasons should likewise be fully stated for its information.

## ARTICLE IX.

### Formalities to be Observed on Arrival at Post.

**123.** After the arrival of a Consul-General, Consul, or Commercial Agent at his post, he will give information thereof to the Legation of the United States, if there be one accredited to the government of the country in which the Consular Office is situated. A Consul and Commercial Agent will give similar information to the Consulate-General, if there be one in the country.

**124.** It is the practice of the Department of State to send the Consular commission to the Diplomatic Representative, with instructions to apply in the proper quarter for an exequatur, by which the Consular Officer is officially recognized and authorized to discharge his duties. When the

exequatur is obtained, it is transmitted to the Consular Officer at his post, through the Consulate-General, if there be one in the country; otherwise, directly to his address. The Consular commission is also sent to him at the same time.

Subordinate officers. It is usual, also, to apply in the same manner for the exequatur of subordinate officers. It is the practice in respect to such officers in the colonies or dependencies of a country to instruct the Consul-General, or the principal Consular Officer, if there be no Consul-General, to apply to the proper colonial authority for permission for the subordinate to act temporarily in his official capacity, pending the result of the request for the exequatur.

If no Legation, commission, below sent. **125.**.. If there be no Legation of the United States in the country, the commission of a principal Consular Officer will be sent directly to him, with instructions to transmit it without delay on arrival at his post to the proper department of the government, and to request an exequatur. In such cases it is usual to inclose the commission in a letter from the Secretary of State to the Minister of Foreign Affairs of the country, to be delivered at a suitable opportunity after the arrival of the Consul at his post. In either case he will, in respectful terms, acquaint the authorities of the port or district to which he is sent of his appointment; and if he can obtain their consent to his acting in his official capacity before the receipt of the exequatur, he is authorized so to act. On the granting of such permission it is the duty of the outgoing Officer, or the subordinate in charge, to deliver up the official seals, archives, and public property. As soon as the exequatur is received, it should be made public in the manner usual in the country. In the event that there should be unusual delay in granting the exequatur, the Consul should inform the Department of State.

Certificates of subordinate officers. **126.**.. The certificates of appointment of subordinate officers in countries in which the United States have no Legation are sent to the principal Officer, with instructions to request, from the proper authority, the recognition or exequatur accorded to such Officers.

Delivery of archives and inventory. **127.**.. Upon the receipt of the exequatur, or permission to act, the Consular Officer will apply to the person having charge of the Consular seals and public property of the office

for their delivery to him; and having made an inventory jointly with his predecessor or the subordinate in charge, if either be present, of the books and other effects, he will transmit a copy of such inventory signed by himself and his predecessor, or the subordinate Officer, or in their absence by himself, to the Department of State. The form of the joint certificate is given in Form No. 5.

**128.** Upon the appointment of a Consular Agent, an inventory of all property at the Agency belonging to the United States should also be made by the incoming and outgoing Officers, with a certificate showing the date of delivery, both of which should be sent to the principal Officer, to be by him communicated to the Department of State.

Inventory at Consular Agency.

**129.** He will likewise transmit to the Fifth Auditor of the Treasury a certificate (Form No. 5), executed jointly by himself and his predecessor, or the subordinate, if present, showing the date of actual entry on his duties. He may then take charge of the seals, archives, and property of the office.

Certificate to Fifth Auditor.

**130.** Consular Officers who are prohibited from engaging in business will be expected to establish their offices at the most convenient central location that the sum allowed for office rent will permit, and to keep them open daily during the usual business hours of the place. No subordinate or branch office will be permitted in the same place with the Consulate.

Location of office.

**131.** Consular Officers, especially in important commercial and manufacturing districts, are not permitted to have their offices in the counting-rooms or places of business of merchants, manufacturers, agents, solicitors, or brokers. The appropriate business of the Consular Officer must not fail to receive his personal attention, nor be left to be performed by such merchants, or other persons, or their clerks, so that the contents of invoices, which are in all cases to be regarded as confidential, become known to interested parties, to the serious injury of the persons to whom the invoices properly belong. Such practices are highly reprehensible, and are ground for serious complaint. The Consular Office, whether the Consular Officer is prohibited from trading or not, must be in a respectable location and devoted exclusively to the Consular business; and no one but a duly an-

Requirements.

thorized Officer must be permitted to have access to the Consular papers or to use the Consular seals.

Public moneys.

**132**..If there are any public funds in the hands of his predecessor, the Consular Officer may take charge of them. The outgoing Officer, however, is responsible to the Government for them, and they cannot be demanded as a matter of right. It is expected in any case that sufficient funds, if in the hands of the outgoing Officer, will be left for the immediate needs of the office. For any moneys so transferred the outgoing Officer should be careful to take proper receipts, to be returned with his accounts with the Government. If the funds held by the predecessor are the proceeds of the effects of an American citizen who died intestate more than a year previous to the transfer of the office, which should have been remitted to the Treasury as provided by law, it is not usual to deliver them to the successor, but they should be remitted by the outgoing Officer, who is responsible therefor.

Notice on entering on duties.

**133** .Having entered on the duties of his office, the Consular Officer, if a Consul-General, should immediately give notice thereof to the Department of State and to the Diplomatic Representative; if a Consul or Commercial Agent, he will give like notice to the Department and to the Consul-General to whom he may be subordinate, or, if there be no Consul-General, then to the Diplomatic Representative, if there be one. He will also inform the principal Consular Officers of the United States in the country, and will also send his official card to, or call personally upon, the Consular Officers of other countries in the place, as the custom may be. He will also, before the expiration of ninety days after entering on his duties, nominate to the Department of State, through his immediate superior, or directly, agreeably to the instructions of paragraphs 32 and 33, suitable persons for appointment to the Consular Agencies in his jurisdiction, and a suitable person to be Vice-Consul or Vice-Commercial Agent to act in case of his temporary absence or of his relief from duty from any cause.

Use of arms and flag.

**134**..The arms of the United States should be placed over the entrance of the Consulate or Commercial Agency, unless prohibited by the laws of the country. Wherever the custom prevails, the national flag should be hoisted on such

occasions as the Consular Officer may deem appropriate, or when it may be required for his protection, or as the emblem of his authority. It is not usually necessary that it should be unfurled daily. The occasions for its display are within the judgment of the Consular Officer; but its use will be suggested on all national holidays of his own country, and whenever it would indicate a becoming respect to the customs, festivals, or public ceremonies of the country to which he is accredited.

**135.** In preparing the inventory of the public property above referred to, Consular Officers are instructed to follow, as closely as possible, the order of former inventories, so that a comparison can readily be made at the Department. A copy of each inventory should be carefully preserved among the Consular records.

Inventory, how made.

## ARTICLE X.

### **Correspondence of Consular Officers with the Department of State.**

**136.** All communications addressed to the Department, as well as inclosures, must be written on cap paper, in a fair, legible hand, on every page leaving an inch margin on each side of the page. Despatch paper of the prescribed form will be supplied by the Department upon requisition therefor.

Despatches.

**137.** All despatches must be numbered consecutively, beginning with the acceptance of the office, and continuing, consecutively, during the term of the incumbent. A Vice-Consular Officer, acting in the absence of his principal, or when from a vacancy or other cause he is in charge of the office, should continue the series of numbers of the principal or of the late Consul, as the case may be. This series will, in the case of a vacancy, be continued until the entry of a successor upon his duties. A new series should not be begun with the new year; and the series of numbers of despatches to the Department of State must be kept separate from the series of communications to other Departments.

Numbering.

**138.** Each despatch is, as far as possible, to be confined to one subject, and is to be divided into paragraphs when treating of the several parts of a subject.

Despatch restricted to one subject.

Correspondence  
of certain subordi-  
nates.

**139.** The official correspondence of Consular Agents, and of Marshals, Interpreters, and Consular Clerks, will be submitted to the examination of the principal Consular Officers to whom they are subordinate or to whose offices they are assigned. Consular Agents are not authorized to address the Department of State directly, or to make their reports or returns, except through their respective superiors. The despatches of Marshals, Interpreters, and Consular Clerks will be addressed to the Assistant Secretary of State having charge of the correspondence with the countries in which they are stationed.

Form of despatch

**140.** All despatches to the Department of State should begin upon the third page of the sheet. The second line on the first page should contain the number of the despatch and the station of the Consulate; the third line, the date of the despatch; the fifth line, the name of the Consular Officer and of the Assistant Secretary to whom the despatch is addressed; the seventh line, the general subject of the despatch; and the subsequent lines of that, and the following page (if necessary), a synopsis of the contents. A *pro forma* despatch is furnished by the Department. (Forms Nos. 6 and 7.)

Inclosures

**141.** In transmitting inclosures in despatches, the contents of the inclosures are to be briefly stated in the body of the despatch, and attention is to be directed to such points contained in them as may appear to be particularly deserving of notice. In each case, following the signature, the Consul should subjoin a "List of Inclosures," showing the names of the persons by and to whom the inclosure is written, and the subject.

Newspaper ex-  
tracts

**142.** All extracts from newspapers, sent as inclosures, must be neatly cut out and pasted upon cap paper, corresponding in size with the despatch. When printed papers are sent as inclosures, two copies should be forwarded. Tabular statements accompanying despatches are, in all cases, to be footed up.

Translation.

**143.** Should such inclosures be in any foreign language, exact copies of the originals are to be forwarded. Translations of these should also accompany the despatches, unless, when, from pressing emergency, no time is allowed to make them. In the case of vouchers for expenditures, the transla-

tion must be attached to each voucher. Whenever it is mentioned in a despatch that a paper is inclosed, an oblique line is to be made in the margin (thus  $\diagup$ ), and above such line is to be placed the number corresponding to the number of inclosure. All inclosures should be indorsed and numbered. The numbers and indorsements, especially on all accounts and returns, should show briefly but clearly what the inclosures are, and should correspond to the description required in the "List of Inclosures" prescribed in paragraph 141. The vouchers of an account should not be set out in the "List of Inclosures," but the account only.

Indorsements.

**144.** Each series of inclosures is to be numbered anew in each despatch, commencing with No. 1; and when there are more inclosures than one in a despatch each inclosure is to be numbered in the order in which it is to be read.

Series of inclosures.

**145.** In transmitting copies of correspondence with despatches, Consuls are requested to use *half* sheets of paper in all cases where they will suffice to contain the text of the note to be copied. In making copies of correspondence, the blank space on a page at the end of one communication should not be used to begin another. The copy of each communication should be on its own sheet, or, if brief, on its own half-sheet. Copies should not be made on alternate pages.

Copies as inclosures.

**146.** When Consuls write upon any subject upon which they have previously written, they will be careful to refer to the number of such previous despatches, both by number and date.

Reference to previous subject.

**147.** All despatches are to be folded like those sent from the Department of State. Gum, sealing-wax, or wafers are not to be put upon the despatches or the inclosures, but only on the envelopes which cover them.

Folding.

**148.** All Consular correspondence will be addressed on the inside to the Assistant Secretary of State, under whom the charge of the Consulate or Commercial Agency may be placed by the rules of the Department. The regulations in this respect are as follows:

Despatches, how addressed.

1°. The Consular correspondence from the following countries and their dependencies should be addressed to the Assistant Secretary of State: Austria-Hungary, Belgium, Denmark, France, Germany, Great Britain (except the Fiji

Islands), Netherlands, Portugal, Spain, Sweden and Norway, and Switzerland.

2°. The correspondence from the following countries should be addressed to the Second Assistant Secretary of State: Argentine Confederation, Bolivia, Brazil, Chili, Colombia, Costa Rica, Ecuador, Guatemala, Hayti, Honduras, Italy, Liberia, Mexico, Nicaragua, Peru, Rnssia, Salvador, San Domingo, Urngnay, and Venezuela.

3°. The correspondence from the following countries should be addressed to the Third Assistant Secretary of State: China, Friendly and Navigators' Islands (Samoa), Fiji Islands, Greece, Hawaiian Islands, Japan, Madagascar, Muscat, Roumania, Siam, Society Islands, and Turkey.

Address of envelopes. **149**.. All envelopes covering Consular despatches will be addressed to the Secretary of State, as shown in Form No. 8.

Dates of reports. **150**.. Despatches are never to be antedated; and when returns which are ordered to be transmitted "quarterly," "half-yearly," or "aunnally," cannot be completed on the last day of the quarter, half-year, or year, as the case may be, for want of sufficient information on that date, or for any other reason, the Consul will notify the proper Department thereof, and the returns will be made up to that date as soon as practicable thereafter.

Special reports. **151**.. Reports on returns ordered by special instructions are to be sent as inclosures in separate despatches, each despatch relating solely to the report or return as ordered to be made by such instructions. The several quarterly reports prescribed by these regulations, of which a recapitulation is given in paragraph 553, should be transmitted in a single despatch, not in separate despatches. The quarterly account, however, with the Department of State should be sent in a separate despatch.

Annual report of despatches. **152**.. A return must be rendered on the 31st of December of each year, or as soon after as possible, of the number and dates of the despatches to the Department written during the year, and transmitted by the earliest conveyance, and, if practicable, before the Consul writes any despatches in the ensuing year.

**153**.. A Consul will hold correspondence on public matters (independently of that which his official duties require



him to conduct with the local authorities and individuals of the place where he resides, and officers or others employed in our commercial marine) with the Secretary and Assistant Secretaries of State, the Secretary of the Treasury, the Comptroller, the Fifth Auditor, the Register of the Treasury, Collectors of Customs as to invoices and prices-current, the United States Legation in the country where he resides, other Consular Officers, and with naval or military officers in the service of the United States who may be employed in the neighborhood, and to whom it may be necessary to communicate immediately any event of public interest, and with no other persons.

**154.**.. With the exception of the correspondence with the Treasury Department respecting accounts, and such other correspondence as special provisions of law or these regulations may require him to have with other Departments or officers, he will conduct no official correspondence with any other Department except through the Department of State. This instruction is especially applicable to communications from subordinates of other Departments. Such communications should not be answered without first obtaining permission from this Department to do so.

Correspondence with other Departments.

**155.**.. Printed matter should be transmitted under covers open at both ends, if sent through the regular mails.

Printed matter.

**156.**.. The receipt of all instructions from the Department of State must be acknowledged by return mail.

Receipt of instructions.

**157.**.. The private correspondence of Consular Officers with their families and friends is usually transmitted in the government pouches and in foreign mails at public expense. No business correspondence of such officers, and no correspondence of other persons, is allowed to be sent in the pouches, or under cover to or from a Consular Officer. Correspondence, if ascertained to be such, will be detained at the Department of State. A violation of this regulation will meet with the serious displeasure of the Department. All unofficial letters sent through the pouches or under official cover must be indorsed on the envelope with the signature of the Consular Officer, which will be regarded as a certificate that the letter comes within the regulation. Letters not so

Private correspondence of Consular Officers.

indorsed will not be forwarded through the domestic mails of the United States.

## ARTICLE XI.

**Passports and Protection of Citizens of the United States.**

Passports, to whom issued, R. S., sec. 4075-4078

**158.** Passports are to be issued only to citizens of the United States, and are to be numbered, commencing with No. 1, and so continuing consecutively until the end of the incumbent's term of office. To issue a passport to a person not a citizen is a penal offense punishable on conviction by imprisonment not exceeding one year, or by a fine not exceeding \$500, or both. *Persons who have merely declared their intention to become citizens are not citizens of the United States within the meaning of the law.*

By whom issued.

**159.** Passports in the United States can be issued only at the Department of State. In foreign countries they can be issued only by the chief Diplomatic Representative of the United States at a Legation; or in the absence of a Diplomatic Representative from the country, then by the Consul-General, if there be one, or, in the absence of both of the Officers last named, by a Consul (Form No. 9). In the colonies of a country a passport may be issued by a Consul-General, if there be one; otherwise by a Consul. The issue of passports by Consular Agents is prohibited. Professional titles will not be inserted in passports. A fee of five dollars in the gold coin of the United States will be charged and collected for each passport granted or issued by a Consul.

On what evidence.

**160.** When an application is made for a passport by a native citizen, before it be granted the applicant must make a written declaration under oath, stating his name in full, his age, and place of birth, supported also, if possible, by the affidavit of a credible person, to whom the applicant is personally known, and to the best of whose knowledge and belief the declaration is true. The Minister or Consul may, however, require such other evidence as he may deem necessary to establish the fact of the applicant's citizenship. If the applicant claims to be a naturalized citizen, he shall also produce the original or certified copy of the decree of the court by which he was declared to be a citizen; and it shall be the duty of the Minister or Consul, at the close of each half

year, to transmit to the Department a statement of the evidence on which all such passports were issued or granted. The applicant should, also, in both cases, be required to take the oath of allegiance (Form No. 1), and the oath should be transmitted to the Department with the half-yearly return (Form No. 132). A passport issued from this Department, coupled with the proof that the person in whose behalf it is presented is the person named therein, may be taken as evidence of the citizenship of the applicant.

**161.** It is understood that persons present themselves in some foreign countries to the Diplomatic or Consular Representatives of this Government with certificates of citizenship issued by local or municipal officers, such as the mayor of a city, or a notary public, with a view to be registered as American citizens, in order that they may travel under the protection of such certificates. The laws of the United States authorize the Secretary of State alone to grant or issue passports in the United States, and prohibit all persons "acting or claiming to act, in any office or capacity under the United States or any of the States of the United States, who shall not be lawfully authorized so to do," from granting or issuing "any passport or *other instrument in the nature of a passport*, to or for any citizen of the United States, or to or for any person claiming to be, or designated as such, in such passport or *verification*." Such certificates, therefore, have no legal validity, and are not to be recognized. An instrument issued by an unauthorized person substantially in the form used by the Department of State is within the letter and intent of the prohibition of the statute. It is not material whether such instruments are issued in foreign countries or in the United States, and the prohibition applies equally to State, municipal, or Federal officers. There is no form of certificate or writing intended to operate as a passport which can be issued lawfully by an officer of a State.

Certificates of citizenship.  
R. S., sec. 4075-4078.

**162.** Complaints have from time to time reached the Department of State of the issue of passports, or papers in the nature of passports, by Consular Officers when prohibited from doing so. In future, it will be required that Consular Officers shall make, in addition to the return prescribed

Papers in the nature of passports prohibited.

in Form No. 132, a semi-annual return of passports to the Department (Form No. 122), showing each passport issued by Consular Officers in any form which may have been presented to them for *visa* or otherwise. This report will embrace the name of the person to whom the passport was issued, whether such person is a citizen by birth or naturalization, the date of issue, the Consular Officer issuing the same, the form of the passport or paper, and the several *visas* thereon, the dates thereof, and the names of the several officers making the same.

Consular certificates of citizenship.

**163.** It is understood that certificates are sometimes issued by Consular Officers in countries where there is a Diplomatic Representative, attesting the identity of the persons to whom they are granted, and to be used in the place of regularly-issued passports, for the purposes of travel or local protection. In countries where the local laws or regulations require the deposit of a passport during the temporary sojourn of a traveler, a Consular certificate setting forth the facts as appearing from the passport may be granted, but only with a view of complying with the requirements of the local law or regulation. Certificates in the nature of passports, and to be used as such, are wholly unauthorized, and a Consular Officer known to offend in this respect will be rigorously dealt with.

*Visas of passports.*

**164.** Passports are to be verified only by the Consular Officer of the place where the verification is sought, for which a fee of one dollar in the gold coin of the United States, or its equivalent, will be collected. In the absence of such Consular Officer, or should the foreign government refuse to acknowledge the validity of the Consular *visa*, the *visa* may be given by the principal Diplomatic Representative. (See Form No. 10.) A Consular Agent may *visa*, but cannot issue a passport.

Returns of passports.

**165.** At the close of each half year returns (Form No. 132) are to be made to this Department, of the names and all other particulars, of the persons to whom the passports shall be granted, issued, or verified, as embraced in such passports, together with the amount of the taxes or fees collected for the same, which taxes or fees will be charged on the books of the Treasury to the person receiving the same, and will

be brought to the credit of the United States in the adjustment of his quarterly accounts. The fees for such *visas* or passports should be entered and accounted for in the regular quarterly statement of fees to the Fifth Auditor of the Treasury.

**166.**..When the applicant is accompanied by his wife, Married women and minors. minor child, or servants, it will be sufficient to state in the passport the names of such persons, and their relationship to or connection with him. A separate passport must be issued for each person of full age, not the wife or servant of another, with whom he or she is traveling.

**167.**..A passport is good for two years from its date and no longer. No visa after two years. No *visa* will be attached to a passport after two years from its date. A new passport may, however, be issued in its place by the proper authority, as hereinbefore provided, if desired by the holder.

**168.**..Applications have sometimes been made to the Diplomatic and Consular Officers of the Government for the Protection of absentees. issue of certificates of citizenship to persons residing in foreign lands and claiming to be American citizens. Hereafter no certificates will be issued, except in the form of passports under the regulations herein prescribed, unless a different form be prescribed by the laws of the country in which the Legation or Consulate is situated; in which case the Diplomatic Representative or Consul will transmit to the Department a copy of the prescribed form. And inasmuch as such evidence of citizenship may be claimed as *prima-facie* evidence of the right of the holder to be protected by the power of the Government of the United States, so long as he conducts himself peaceably and obeys the laws of the foreign state in which he resides, therefore, to protect the dignity of such citizenship, and to guard against fraudulent assumption of it, Consuls and Ministers will be strict in the observance of the rules herein laid down, and will exercise due caution in issuing passports to applicants. And when their intervention is invoked on behalf of citizens of the United States residing in foreign countries, they will be careful to remember that it is as incumbent on such persons as it is upon the citizens or subjects of such foreign countries to observe the laws of the country in which they reside.

Naturalized citizens residing in native lands.

**169.**..The official action of the Representatives of the United States may also be asked in foreign lands in favor of natives thereof who have been naturalized in the United States. Should passports or other protection be asked for by such persons, it will be the duty of the Officer to satisfy himself that they have done nothing to forfeit their acquired rights. For a naturalized citizen may, by returning to his native country and residing there with an evident intent to remain, or by accepting offices there inconsistent with his adopted citizenship, or by concealing for a length of time the fact of his naturalization, and passing himself as a citizen or subject of his native country, until occasion may make it his interest to ask the intervention of the country of his adoption, or in other ways which may show an intent to abandon his acquired rights, so far resume his original allegiance as to absolve the Government of his adopted country from the obligation to protect him as a citizen while he remains in his native land.

Caution to be observed.

**170.**..Cautious scrutiny is enjoined in such cases, because evidence has been accumulating in this Department for some years that many aliens seek naturalization in the United States without any design of subjecting themselves by permanent residence to the duties and burdens of citizenship, and solely for the purpose of returning to their native country and fixing their domicile and pursuing business therein, relying on such naturalization to evade the obligations of citizenship to the country of their native allegiance and actual habitation. To allow such pretensions would be to tolerate a fraud upon both the governments, enabling a man to enjoy the advantages of two nationalities and to escape the duties and burdens of each.

Interposition of Consul.

**171.**..If the Consul is satisfied that an applicant for protection has a right to his intervention, he should interest himself in his behalf, examining carefully into his grievances. If he finds that the complaints are well founded, he should interpose firmly, but with courtesy and moderation, in his behalf. If redress cannot be obtained from the local authorities, the Consul will apply to the Legation of the United States, if there be one in the country where he resides, and

will, in all cases, transmit to the Department copies of his correspondence, accompanied by a report.

**172.**..The United States have treaties with several powers regulating the rights of naturalized citizens of the United States on their return to their native lands. The protection which the passport gives is regulated in each such case by the terms of the treaty. Abstracts of these several treaties are given in Appendix 2.

Treaties.

**173.**..It is provided by law that persons born out of the limits and jurisdiction of the United States, whose fathers were or shall be, at the time of their birth, citizens of the United States, shall be deemed and considered to be citizens of the United States, provided that the right of citizenship shall not descend to persons whose fathers never resided in the United States. Within the sovereignty and jurisdiction of the United States such persons are entitled to all the privileges of citizens; but while the United States may by law fix or declare the conditions constituting citizens of the country within its own territorial jurisdiction, and may confer the rights of American citizens everywhere upon persons who are not rightfully subject to the authority of any foreign country or government, it ought not, by undertaking to confer the rights of citizenship upon the subject of a foreign nation who had not come within our territory, to interfere with the just rights of such nation to the government and control of its own subjects. If, by the laws of the country of their birth, children of American citizens born in such a country are subjects of its government, the legislation of the United States will not be construed so as to interfere with the allegiance which they owe to the country of their birth *while they continue within its territory*. If, therefore, such a person, who remains a resident in the country of his or her birth, applies for a passport as a citizen of the United States, such passport will be issued in the qualified form shown in Form No. 11.

U. S., sec. 1993.

**174.**..It is further provided by law that any woman who might lawfully be naturalized under the existing laws, married, or who shall be married, to a citizen of the United States, shall be deemed and taken to be a citizen. The

Citizenship of  
married women.  
U. S., sec. 1994.

recognition of this citizenship will be subject to the qualification above referred to.

Protection in Oriental countries.

**175.**..Abuses which have heretofore occurred in granting protection from the local authorities in eastern countries, and especially in the Turkish dominions, to persons who, in the opinion of this Department, had no claim thereto, render it advisable that the Legations and Consulates in that quarter should, once in six months, report the number, names, and occupations of the persons to whom, during the six months preceding, such protection may have been given, or by whom it may have been claimed. Such report will in future be expected to be made at the beginning of every January and July. It is believed that sound policy dictates the utmost scrutiny and caution in extending the protection of this Government to any persons abroad who may not be citizens of the United States. Should that policy be adopted and scrupulously adhered to, those to whom protection may really be due may expect it to be efficient. Such protections should in no event be issued to aliens who are not actually in discharge of official duty under the direction of the respective Consuls, or employed in their domestic service. In no case should they be granted where they will operate to screen the holder from prosecution for offenses against the laws of the country, or where reasonable ground exists for objection by the Government. No instrument in the nature of a passport should be issued to persons thus protected; it will be sufficient to grant, when necessary, a Consular certificate setting forth the relation and duties in connection with the Consulate.

Protection of foreign subjects in certain cases.

**176.**..Requests have occasionally been made upon the Government of the United States to permit its Diplomatic and Consular Officers to extend their protection to citizens or subjects of a foreign government who may desire it and who may be sojourning at places where there are no Diplomatic or Consular Representatives of that government. This Government has from time to time, upon the request of friendly powers, given to its Diplomatic and Consular Officers authority to take upon themselves, with the consent of the government within whose jurisdiction they reside, the function of representing those powers at places where the



latter had no such officers. It has understood this authority to be restricted simply to the granting of the services and good offices of our Representatives, with their own consent, to meet what has ordinarily been a fortuitous and temporary exigency of the friendly government. When this function is accepted—which must be done only with the approval of the Department of State—the Diplomatic or Consular Officer becomes the agent of the foreign government as to the duties he may perform for its citizens or subjects; he becomes responsible to it for his discharge of those duties, and that government is alone responsible for his acts in relation thereto. He does not, however, for this purpose become a Diplomatic or Consular Officer of the foreign government.

## ARTICLE XII.

### **Reciprocal Duties of Consular Officers and Masters of American Vessels, including the Shipment of Seamen.**

177.. Every master of an American vessel shall, on his arrival at a foreign port, deposit his register, sea-letter, and mediterranean passport with the Consular Officer of the United States, if there be one at the port, under a penalty of five hundred dollars, which the Consular Officer may recover in his own name for the use of the United States. The statute formality requires this, but it is understood that vessels do not now usually carry sea-letters and mediterranean passports. It is usual, however, to provide whaling-vessels with sea-letters. It is usual to deposit with the Consular Officer also the crew-list and shipping-articles, and these documents, together with the register, are generally described as "ship's papers." This requirement applies to American or foreign-built ships purchased abroad and wholly owned by American citizens, in the same manner as to regularly documented vessels.

178.. To constitute an arrival within the intent of the law, it is necessary that it should be such an one as involves an entry and clearance at the custom-house of the foreign port. If the vessel enters the foreign port conformably to the local law or usage, her coming amounts to an arrival, independently of any ulterior destination or the time she

Deposit of ship's  
papers.  
R. S., secs. 4309,  
4310.

Arrival defined.  
4 Op. Atty. Gen.,  
390; 9 *Ib.*, 256; 11  
*Ib.*, 72.

may remain or intend to remain, or of the particular business to be transacted there.

When a vessel arrives at a port not that of the Consulate.

**179.** . A vessel arriving within a Consular district, although at some port other than that at which the Consular office is situated, makes an "arrival" in such sense as to require a deposit of the vessel's papers and to subject her to the Consular jurisdiction, if the port at which she actually enters is within reasonable distance from the Consulate and the communication between the two ports is not difficult.

Case of vessel running regular trips.  
R. S., sec. 1720.

**180.** . The provisions of section 1720 of the Revised Statutes in regard to American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, do not affect the duties of masters respecting the deposit of the ship's papers. These must be lodged with the Consular Officer as in other cases. The tonnage fees due from such vessels are usually collected by the Consular Officer at the principal port on the route, or at the foreign port where the general offices of the owners of the ships or of the steamship company are established. These fees are, however, collectable only at one port on the route and on the first four trips of the calendar year; but such vessels are not exempt from the requirement of the deposit of their papers at the Consulate at every port at which they may touch on the trip, nor from the payment of all Consular fees other than tonnage fees.

R. S., secs. 1722 and 4222.

**181.** . These provisions respecting tonnage and other fees and the deposit of a ship's papers apply to American or foreign-built vessels purchased abroad and wholly owned by citizens of the United States, in the same manner as to regularly documented vessels. American vessels touching at Canadian ports are also not required to pay tonnage fees; nor are these fees to be collected from such vessels touching at or near ports in Canada, on their regular voyages from one port to another within the United States, unless some official services, required by law, shall be performed by the Consular Officer.

9 Howard, 372.

**182.** . A vessel putting into a foreign port to get information only, and not entering, or breaking bulk, or discharging seamen, or requiring new seamen, or needing the aid of the Consular Officer in any respect, cannot be said to make an

*arrival* at that port within the meaning of the law. Vessels driven into a port are not required to deposit their papers with the Consular Officer, unless formal entry be afterward made or Consular services required.

**183.** It is the duty of a Consular Officer on the arrival of an American vessel, should the master neglect to deliver his ship's papers, as he is directed by law, to inform him of the necessity of so doing, by showing him the law that requires it, and apprising him of the penalty he will incur by refusal or neglect. If he fail to comply, a certificate of the fact, under the Consular seal (see Form No. 12), must be immediately sent to the Department of State, giving the name and a description of the vessel, the port to which she belongs, where bound, and the usual residence of the master. In such a case, it is desirable that the Consular Officer should send some other evidence of the arrival and departure of the delinquent master with his vessel besides that of his own certificate, as it has been held that such evidence of any fact is not sufficient, unless expressly or impliedly made so by statute.

Duty of Consular Officer.

**184.** When the ship's papers are received, they are to be kept together in as safe a place as possible, to guard against fire and other accidents; and the Consular Officer, on receiving such papers, shall give a certificate of the fact (see Form No. 13), or a receipt under seal, and make an entry in his Consular record, specifying the time of delivery, the name of the vessel, the master, and the character of the papers deposited.

Papers to be safely kept.

**185.** Whenever the master shall produce the clearance of his vessel from the proper officer of the port, and shall pay the fees due to the Consular Officer for his services, and shall pay to him the arrears of wages and the extra wages that may be due under the law and these regulations, for every seaman discharged at his port, and shall, if bound to some port of the United States direct, take on board, at the request of the Consular Officer, such destitute mariners as shall be designated by him for transportation to the United States, then he shall be entitled to the return of all the ship's papers deposited with the Consular Officer. On return of

When Consular may return papers.

certificate, as in Form No. 13, there should be given with the papers a new certificate, as in Form No. 14.

**186.** Until all these provisions of law are complied with, the Consular Officer should retain the papers, although the clearance may be regular and in due form. And, generally, a Consular Officer may refuse to deliver up a vessel's papers, until all his lawful official demands, whether for fees, wages, extra wages, or otherwise, have been complied with. He has no authority, however, to withhold a ship's papers to compel the payment of the demands of creditors against the vessel.

Ship's papers to be sent to Department.

**187.** When a master sails from a port, leaving, from whatever cause, the ship's papers in the hands of the Consular Officer, it is the duty of the Consular Officer to transmit them without delay to the Department of State, together with a full statement of the facts and circumstances under which he retained them, and with a copy of the account of all fees or dues chargeable to the vessel.

Consular fees to be paid.  
R. S., sec. 1718.

**188.** It is the duty of every master and commander of a ship or vessel of the United States, whenever he shall have occasion for any Consular or other official service which any Consular Officer of the United States shall be authorized by law or usage officially to perform, and for which any fee shall be allowed by the rates or tariffs of fees as prescribed by regulation, to apply to such one of the said officers as may then be officially residing at the Consulate, if any there be, where such service shall be required, to perform such service; and the said master or commander shall pay to the Consular Officer such fees as shall be allowed for such service by the tariff of fees prescribed by the President; and if any such master or commander shall omit so to do, he shall be liable to the United States for the amount of the fees lawfully chargeable for such services, as though the said services had been performed by such officer. In case of the omission to do so, the Consular Officer is authorized and required to retain the papers of the vessel deposited with him.

Hospital dues.  
R. S., secs. 4585,  
4586.

**189.** It is provided by law that whenever a sale or transfer of any vessel of the United States is made in a foreign port or water, the Consular Officer of the United States within whose Consulate or district the sale or transfer is

made, or in whose hands the papers of the vessel are, shall collect of the master or agent of such vessel the sum of forty cents a month for each and every seaman who shall have been employed on the vessel since she last entered at any port of the United States; and that the Consular Officer shall retain possession of the papers of the vessel until the money shall have been paid, and that in default of the payment the sale or transfer shall be void, excepting as against the vendor. These statutes have, however, been held not to apply to vessels engaged in the whale fisheries. No hospital dues therefore will be exacted on the sale or transfer of such vessels in a foreign port. The moneys collected on account of hospital dues should be reported to the Fifth Auditor of the Treasury at the same time with the quarterly account for the relief of seamen (see Form No. 125 for the mode of making the return); and they may be applied towards the payment of such expenses as may be incurred in behalf of destitute seamen.

Treasury decision.

**190.** Every master of a merchant-ship of the United States engaging a seaman at a place out of the United States in which there is a Consular Officer is required by law to procure the sanction of such Officer, and to engage the seaman before him. The agreement is to be made as shown in Form No. 15, and must be signed in duplicate by the master before any seaman signs. Each seaman must sign in duplicate in presence of the Consular Officer, and such Officer shall indorse upon the agreement his sanction thereof and an attestation to the effect that the same has been signed in his presence, and made as required by law. (Form No. 16.)

Shipment of seamen.  
R. S., secs. 4517, 4518.

**191.** Consular Officers will be particular to see that the engagements of seamen are signed in their presence by the seamen, or in the presence of some duly authorized employé of the Consulate, and that the terms and conditions of engagement are clearly understood by them. This injunction should be carefully observed in view of the grave abuses that have arisen from the shipping of the seamen by unauthorized shipping agents, and without a knowledge of the terms of contract or of the kind of service for which they were engaged.

Consul's duty.  
R. S., sec. 1736,  
4517.

Rules as to shipment.

**192.** The rules governing the engagement of seamen before a shipping commissioner in the United States, as laid down in Title LIII of the Revised Statutes, apply also to such engagements made before a Consular Officer. A master engaging a seaman in any place abroad where a Consular office is located, otherwise than in accordance with that Title, incurs a penalty of not more than one hundred dollars, for which the vessel is liable. The shipment of a seaman under such circumstances is void; the seaman may leave the ship at any time, and shall be entitled to recover the highest wages at the port of shipment, or the sum agreed to be given him at the date of shipment. In case, however, of loss by desertion or casualty, the master may ship a number of seamen equal to the number so lost, without incurring the penalty, provided he reports the loss or desertion to the Consular Officer at the first port at which he shall arrive. The seamen must then be formally engaged and entered on the shipping articles.

R. S., secs. 4516, 4518, 4523.

Shipping articles. R. S., sec. 4575, Olcott's R., 232.

**193.** The shipping articles are deemed to contain all the conditions of the contract with the crew as to service, pay, voyage, and all other things, and must be produced by the master to any Consular Officer whenever the latter may think them necessary to the discharge of his duties towards any seaman who may require his assistance, or for any other proper purpose connected with his duties to the vessel or crew. The provisions of the statute in relation to erasures or interlineations have been held to apply only to alterations that would vary the effect of the papers in respect to seamen. Erasures immaterial in this respect would be disregarded.

Seamen on American or foreign-built vessels.

**194.** In the case of American or foreign-built vessels purchased abroad and wholly owned by American citizens, it is known that the crews are usually made up of men who are not American citizens and who have not acquired the character of American seamen under the law and as set forth in paragraph 199. Seamen of this class, when not serving under a contract made in the United States, are not regarded as within the jurisdiction of a Consular Officer as to their shipment or discharge. But seamen engaging on such vessels who are American citizens, and foreigners who have ac-

quired and maintained the character of American seamen, are to be shipped and discharged before the Consular Officer in the same manner as seamen on regularly-documented vessels.

**195.**.. The attention of the Department has been called to instances in which masters of vessels, in shipping seamen in foreign ports, have shipped them on new shipping articles when the original articles had not been filled up and could have been used for the purpose. These additional articles are subsequently suppressed in order to evade the payment of the marine-hospital tax, or for other purposes. Consular Officers will be careful to enter the shipment of seamen on the original articles until the space is exhausted; and whenever it becomes necessary to use additional articles they should firmly attach them to the original articles in such a manner, either as prescribed for the attachment of the Consular certificate to an invoice, or otherwise, that the new articles cannot be separated from the original without discovery or mutilation.

When new shipping articles are used.

**196.**.. Complaints have been made in regard to the employment of shipping agents in foreign ports for the shipment of seamen, and it is represented that at some Consulates undue facilities are granted to favored shipping masters to the exclusion of others of equal respectability, and even to prohibiting the latter from transacting business with the Consulate. The selection of an agent to obtain seamen for shipment belongs to the master of the vessel, and in the absence of controlling local regulation, he is at liberty to employ any person he may see fit. The Consular Officer has no authority to interfere, nor to confer upon any shipping agent privileges which are not conceded to others. He is also without authority to designate such an agent as specially employed by the Consulate, or to permit an agent to use a title, as "American Shipping Agent," or "United States Shipping Agent," indicative of a special relation to the Consulate. While it is expected that a Consular Officer will inform himself as to the character of such agents, and will, on the request of a master, recommend such as he believes to be efficient and trustworthy, he is forbidden to insist upon the employment of any particular agent. Abuses that have arisen

Shipping agents.

in these respects require that attention should be called to them; and any authenticated instance of such partiality or favoritism which shall be reported to the Department of State will incur its marked disapproval.

Shipment and discharge of seamen at London and other places.  
Act of January 27, 1879.

**197.**.. An appropriation has been made by law for the payment of the expenses of shipping and discharging seamen at London, Liverpool, Cardiff, Belfast, and Hamburg, the amount to be allotted to each Consulate to be determined by the Secretary of State. A proviso in the statute requires that the fees for shipping and discharging seamen at those ports shall be paid into the Treasury. The fees so received are to be reported in the quarterly record of fees, and the account for the expenses under this appropriation should be sent directly to the Fifth Auditor, and should be supported by vouchers showing, as far as practicable, the items of expenditure.

Master to receive mails, &c.  
R. S. sec. 3976, 4203, 4204.

**198.**.. It is made the duty of the master of any vessel of the United States bound from a foreign port to a port in the United States, before clearance, to receive and to securely convey all such mails as any Diplomatic or Consular Officer may offer for that purpose, and to promptly deliver them to the proper authorities at the port of destination. He is also required to receive on board all such bullion, coin, United States notes and bonds, and other securities as may be delivered to him by Diplomatic or Consular Officers for transportation to the United States.

## ARTICLE XIII.

### American Seamen—Discharge of Seamen.

#### AMERICAN SEAMEN.

American seamen defined.  
R. S., sec. 4612.

**199.**.. Consular Officers are instructed that the following are to be regarded as American seamen within the meaning of the laws relating to the discharge, relief, wages, and extra wages of seamen, viz:

1°. Seamen, being citizens of the United States, regularly shipped in an American vessel, whether in a port of the United States or in a foreign port.

2°. Foreigners regularly shipped in an American vessel in a port of the United States.



3°. Seamen, being foreigners by birth, regularly shipped in an American vessel, whether in a port of the United States or a foreign port, who have declared their intention to become citizens of the United States, and have served three years thereafter on American merchant-vessels. For the purpose, however, of protection, as against the claims upon them of other nationalities, such seamen are to be deemed American citizens after the filing of the declaration of intention to become such citizens, in a competent court. It is the duty of Consular Officers to satisfy themselves that seamen claiming relief under this statute have complied with its provisions; if not so satisfied, they will be authorized to treat them as foreigners in this respect.

R. S., sec. 2174.

200.. For the purposes of these regulations, the terms "American seamen" and "seamen or mariners of the United States" are synonymous, as are also the terms "American vessel" and "vessel of the United States." The principles which are maintained by this Government in regard to the protection, as distinguished from the relief, of seamen are well settled. It is held that the circumstance that the vessel is American is evidence that the seamen on board are such; and that in every regularly-documented merchant-vessel the crew will find their protection in the flag that covers them.

Definition of terms.

201.. The shipment of a seamen in a port of the United States as an American citizen is to be held *prima-facie* evidence that the seaman is, by birth or naturalization, a citizen; and when the nationality of the crew does not appear from the crew list, it will be presumed that they are citizens of the United States.

M. Dept. of State.  
10 C. Cls., 454.

202.. It is required by law of the master of every vessel bound on a foreign voyage, or engaged in the whale-fishery, to enter into a bond in the sum of four hundred dollars that he will exhibit the certified copy of the crew list to the first boarding-officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein. But the bond shall not be forfeited on account of the master not producing any of the persons contained in the list who may be discharged in a foreign country with the consent of a Consular Officer, certified in writing, under his hand and official seal, to be produced to

Bond for return of seamen.  
R. S., 576.

the collector, with the other persons composing the crew; nor on account of any such persons dying, or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

Character of  
American seaman  
may be lost.

**203.**.. It is possible for a seaman who ships in a port of the United States or in a foreign port, in the full character of an American seaman, to divest himself subsequently of that character as respects the right to relief and transportation to the United States. The cases in which this may be done will be found in the paragraph relating to these subjects (paragraph 238). It is to be said, however, that a seaman who is entitled to relief is also entitled to transportation.

On fishing-vessels.  
Ms. Dept. of State.

**204.**.. American seamen, as above defined, engaged on fishing-vessels are to be regarded in the same relation as seamen on other vessels to the laws in respect to discharge, wages, extra wages, relief, and transportation.

Master is also a  
seaman, &c.

**205.**.. A master of an American vessel is a mariner, or seaman, within the intent of the laws relating to discharge, wages and extra wages, and relief and transportation. In case of destitution abroad he is entitled to the same relief as other seamen, and he may be sent to the United States at the public expense. There is no authority, however, for incurring greater expense for his maintenance, clothing, or transportation than is allowed for other seamen; and in no case may a Consular Officer advance money to a master, to be reimbursed by the Government.

Crew defined.  
Curtis on Seamen, 5.

**206.**.. The following persons of a ship's company are to be deemed seamen or mariners, in addition to the officers and the crew immediately concerned in the navigation of the vessel, viz: the surgeon, the purser, the cook, the steward or stewardess, the cabin-boy, an apprentice, the carpenter, the cooper, on board whaling, or other fishing-vessels, and the engineers and firemen of steam-vessels.

#### DISCHARGE OF SEAMEN.

Discharge of seamen.  
R. S., sec. 4576.

**207.**.. A master of a vessel of the United States, clearing from one of its ports, assumes the responsibility of returning all the ship's company to the United States, or of accounting for them in the manner required by law. He cannot lawfully discharge a seaman in a foreign port without the inter-

vention of the Consular Officer; and it is not material in such a case that the discharge is made with the seaman's consent, or that he has misconducted himself, or is not a citizen of the United States. 7 Op. Atty. Gen. 349.

**208.** The usual cases in which American seamen are discharged in a foreign port by Consular Officers, under the provisions of statute and the principles of maritime law, may be stated as follows: Cases in which seamen are discharged. U. S., secs. 4561, 4580 - 4583. 4250, 4630.

1°. For misconduct of the seaman.

2°. On the sale of an American vessel abroad.

3°. Upon the complaint of the seaman that he has fulfilled his contract, or that the voyage has been continued contrary to agreement; and the Consular Officer is satisfied that the contract has expired or that the voyage has been protracted by circumstances beyond the control of the master.

4°. Where the desertion of a seaman has been caused by unusual or cruel treatment.

5°. After a report of inspectors and the vessel is declared unsuitably provided, and the Consular Officer approves the report; and upon the request of the crew, when the master fails to remedy deficiencies in the equipment or stores after a reasonable time.

6°. In consequence of the sickness of the seaman and inability to perform his duties.

7°. By mutual consent of master and seaman.

8°. When the seaman is arrested and awaits trial for an offense against local laws abroad, or is imprisoned for such an offense, or is held as a witness. When also he is sent to the United States as a prisoner or witness.

9°. When one seaman is exchanged for another, or when he is transferred to another vessel in a foreign port, or when he is promoted to be an officer of the vessel, or when an officer is disgraced to the grade of seaman.

10°. Under contract providing for his discharge abroad.

11°. When the vessel is wrecked or stranded, or condemned as unfit for service.

12°. When the master is superseded by the majority-owners and a new master appointed; or where he is removed by the Consular Officer.

Certificate of discharge.  
R. S. secs. 4551,  
4576.

**209** . When a seaman is discharged in a foreign port it is the duty of the Consular Officer to attach a certificate thereof to the crew list and shipping articles, and also to cause a certificate to be given to the seaman. (Forms Nos. 17 and 18.) The rules respecting the settlement of wages on the discharge of a seaman are to be found in section 4552 of the Revised Statutes.

Discharge against  
Consuls.

**210** . Although not provided for by statute, it has been the practice for Consular Officers to discharge seamen, and also officers, on good cause shown, against their consent, on the application of the master; and the exercise of this authority has been sustained by the courts. It is, however, the general policy of the laws of the United States to discountenance the discharge of seamen in a foreign port. When the application for the discharge of a seaman is made by the master, it is the duty of the Consular Officer to inquire carefully into the facts and circumstances, and to satisfy himself that good and substantial reasons exist for a discharge before granting the application. A seaman is not to be discharged for slight or venial offenses, nor for a single offense unless of a very aggravated character. If the seaman is charged with insubordination, it should satisfactorily appear that he is incorrigibly disobedient and will not submit to his duty, and that he persists in such conduct. Gross dishonesty, habitual drunkenness, and a disposition to instigate broils and quarrels to the destruction of the discipline of the crew, have been held to be sufficient ground for discharge. But it is otherwise if the offense is temporary, and if the offender is repentant and is willing to amend and return to duty. Generally, the grounds on which a seaman may be discharged, when insubordination or bad conduct is alleged, are such as amount to a disqualification and show him to be an unsafe or unfit man to have on board a vessel. Except for good reasons and in extraordinary circumstances, seamen should not be discharged at a foreign port when the vessel is homeward bound.

Grounds of discharge.

**211** . The Consular Officer must be satisfied that the officer or seaman is either absolutely incompetent to perform the work he has contracted to do, that he has been guilty of such acts of insubordination as to make him dangerous

to a man of ordinary firmness, or that his habitual misconduct (such as drunkenness, for instance) amounts to unfitness for duty, or, if an officer, that he has been guilty of habitual cruelty.

**212.**..The statute provides that any person or body-corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority-owners have to remove a master not an owner. This provision does not apply where there is a valid written agreement subsisting, by virtue of which the master would be entitled to possession, nor in any case where a master has possession as part owner obtained before April 9, 1872.

Change of master.  
R. S., sec 4250.

**213.**..Consular Officers are occasionally called upon to assist in the removal of a master under this statute. They will not hesitate to lend their services under such circumstances, but it is desirable for their own protection that they should satisfy themselves that the parties applying to them are duly authorized for the purpose. It is advisable also, if there is time to do so, to refer the case to the Department of State for instructions. It is believed that no ruling or decision has hitherto been made as to the exaction of extra wages on such a discharge; but in view of the strictness of the statute in this respect, the safer course no doubt is to require their payment.

Duty of Consular  
Officer.

**214.**..Cases have occurred in which Consular Officers have, with the subsequent approval of the Department of State, removed masters of vessels, and appointed others in their places to complete the voyage. The exercise of this extreme power has been deemed to be justified by the gross incompetency of the master, endangering the lives of the passengers and crew, his misconduct or collusion with others to the serious injury of the owners or insurers, or when he has been guilty of flagrant tyranny towards the passengers or crew. In other instances the insanity or permanently disabling illness of the master has called for his removal. The gravity of the proceedings will suggest to the Consular Officer that they should be taken only after careful deliberation and for good and sufficient cause; and that they should be promptly and fully reported to the Department. For a

Removal of mas-  
ter.

form of oath and certificate on the appointment of a new master, see Form No. 19.

**215.** Every master or commander of any vessel belonging in whole or part to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause, forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months.

Abandonment of  
seamen.  
R. S., sec. 5363.

#### ARTICLE XIV.

##### Arrears of Wages and Extra Wages.

**216.** The Statutes of the United States provide for the collection of extra wages in the following cases, viz: 1°. When the seaman is entitled to his discharge under any act of Congress, or according to the general principles or usages of maritime law as recognized in the United States. In this case three months' extra wages, in addition to any arrears of wages at the date of discharge, are to be collected.

Provisions of  
Statute.  
R. S., sec. 4580.

R. S., sec. 4580.

**217.** 2°. When, however, after a hearing of both master and seaman, the cause of discharge is found to be the misconduct of the seaman, the Consular Officer may remit so much of the extra wages as are payable to the seaman. In this case only one months' extra wages, to be credited to the relief fund, together with the arrears of wages, are to be collected.

R. S., sec. 4582.

**218.** 3°. When a vessel of the United States is sold in a foreign country, and her company discharged. Three months' extra wages, for each seaman discharged, in addition to the arrears of wages, are to be collected.

R. S., sec. 4582.

**219.** 4°. When a seaman, being a citizen of the United States, is, with his own consent, discharged in a foreign country. In this case, also, three months' extra wages, together with the arrears of wages, are to be collected. The clause of this statute respecting the citizenship of the sea-

man is not construed so as to authorize the remission of extra wages in case of the discharge of a seaman under like circumstances who is not a citizen of the United States, provided he is an American seaman, as defined in paragraph 199.

**220**..5°. Where, upon the report of inspectors, approved by the Consular Officer, it is found that the vessel was, through neglect or design, unsuitably provided, the seaman requires his discharge. Three months' extra wages, besides arrears of wages, are to be collected. The clause of this statute, which provides that each seaman discharged under these circumstances shall be entitled to three months' pay in addition to his wages, is to be construed in connection with, and subordinate to, the general provision of section 4584 of the Revised Statutes, that two-thirds only of the extra wages are to be paid to the seaman. It is in accordance with this view that the Consular accounts for such extra wages are adjusted.

R. S., sec. 4561.

**221**..6°. But if, in the opinion of the inspectors, the defects or deficiencies were the result of mistake or accident, and they shall be remedied by the master within a reasonable time, only the one month's extra wages for the relief fund, in addition to arrears of wages, shall be collected on the discharge of the seaman.

R. S., sec. 4561.

**222**..7°. When the Consular Officer is satisfied that the desertion of a seaman has been caused by unusual or cruel treatment, and discharges the seaman, three months' extra wages, in addition to the arrears of wages, shall be collected.

R. S., sec. 4600.

**223**..The cases in which the statute authorizes the remission of all extra wages, are as follows, viz: 1°. When a seaman is discharged in consequence of the wreck or stranding or the condemnation of the vessel as unfit for service. The condemnation herein referred to is held to mean a condemnation, judicial or otherwise, which declares the vessel unfit for service, wholly unseaworthy, and beyond remedy by repair. When, however, the vessel has been condemned by inspectors, under the provisions of sections 4559-4561 of the Revised Statutes, extra wages are to be collected.

Remission of extra wages.  
R. S., sec. 4583.

2°. When the Consular Officer is satisfied that the seaman's contract has expired, or that the voyage has been protracted by circumstances beyond the control of the master,

R. S., sec. 4583.

and without any design on his part to violate the articles of shipment.

Foreign or American built vessels.

**224.**.. American seamen engaged on American or foreign-built vessels purchased abroad and wholly owned by citizens of the United States are to be regarded in the same light, as respects the collection of extra wages, as seamen on regularly-documented vessels.

Restrictions in seamen's contracts. Ms. Dept. of State.

**225.**.. It is not competent for a master of a vessel to make a contract with a seaman which provides for the waiver or remission of the extra wages upon his discharge at a foreign port. In all engagements of seamen the statutes of the United States respecting such wages must be deemed and taken to be a part of the seaman's contract. A shipment "By the run," or "By the lay," or "For the cruise," therefore, does not exempt the master from the statutory liability to the payment of extra wages on the discharge of the seaman at a foreign port, whether for the expiration of the contract or for other cause.

Wages payable in gold, &c. R. S., sec. 4548.

**226.**.. The moneys paid under the laws of the United States, by direction of Consular Officers, at any foreign port or place, as wages, extra or otherwise, due American seamen, are to be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

Payment of extra wages. R. S., sec. 4584.

**227.**.. It is provided by law that whenever any Consular Officer upon the discharge of any seaman demands or receives extra three months' wages for such seaman, two-thirds thereof shall be paid by such Officer to the seaman so discharged upon his engagement on board of any vessel to return to the United States. The remaining third shall be retained for the purpose of creating a fund for the payment of the passages of seamen, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute and may be in such foreign port.

Account therefor. R. S., sec. 4581.

**228.**.. The three months' extra wages are to be credited in the proper Consular account (Form No. 100). The two-thirds thereof are not to be paid to a seaman until he shall have engaged on board some vessel and is about to sail, and then they should be paid in full only when no disbursements shall have been made on his account by the Consular Officer. Ex-



penses incurred for his board, or other necessaries or for transportation (including passage paid on Consular certificate at the Treasury), are first to be paid, and the residue only of the two months' extra wages, if there be any, is to be delivered to him. For any payments made on account of seamen and for the amount of extra wages returned to them, Consular Officers should take proper receipts, to be transmitted with their accounts. A form of the seaman's receipt is found in Form No. 20.

**229.** In the construction of the foregoing statute it is held Construction of statute. that seamen other than those who are citizens may be entitled to passage to the United States, if they are embraced within the definition of American seamen already given, and that the requirement that the fund arising from the collection of extra wages should be accounted for every six months is subordinate to and controlled by the general provision of section 1734 of the Revised Statutes, which directs that all moneys received by Consular Officers shall be accounted for quarterly, and prescribes a penalty for willful neglect in this respect.

**230.** It is believed to be well settled that a seaman may Waiver of extra wages by seaman. be permitted to waive his right to the two months' extra wages on his discharge in a foreign port, provided he does so intelligently and without fraud or compulsion. In view, however, of the strictness of the statutes in respect to the payment of extra wages and of the liability of the Consular Officer for expenses incurred for the relief of the seaman, a waiver of the two months' extra wages should be permitted only with the consent of the Consular Officer, and when there has been no expense for relief and the seaman will not subsequently and before reshipment become a charge on the Consulate either where the discharge is granted or on any other Consulate. The Consular Officer should be careful to take a full and formal release from the seaman from the liability for the two months' extra wages. It is not enough that no relief is required for the seaman at the port of discharge. If he does not reship, but is found destitute at another port and expenses are there incurred for his relief, the Consular Officer at the port of discharge will be bound for the amount of such disbursements within the limit of

the two months' extra wages. Where, therefore, a waiver is permitted it is incumbent on the Consular Officer to take such security from the master or agent of the vessel, or other proper person, as will protect him from the expense of the relief of the seaman. When, however, he is not satisfied that the seaman will not require relief, it is advisable to exact the full three months' extra wages. In all cases in which extra wages are collectable the one month's extra wages due the Government should never be remitted. A form of waiver is given in Form No. 21.

Waiver, how  
abused.

**231.** It is known that shipmasters not infrequently take advantage of the desire of a seaman to be discharged and of his right to waive the two months' extra wages by deducting the one month's extra wages belonging to the Government from the arrears of wages due the seaman. The Consular Officer should be careful to protect the seaman from this imposition, and he will accordingly see that in the adjustment of the seaman's account with the ship the full amount of the arrears of wages is paid, and, so far as possible, that no part of it is withheld by or returned to the master for such a purpose.

Seamen to be re-  
ported, when.

**232.** When a seaman comes upon a Consulate from another port, or by shipwreck, or in any manner otherwise than by discharge from a vessel at the port, the Consular Officer will at once notify the Fifth Auditor of the Treasury of the fact, giving the name of the seaman, the date of arrival, the name of the place whence he came, with the date and cause of his leaving such place, the name of the vessel by which he came, and of the American vessel on which he was last engaged. This information should be communicated immediately and without waiting until the end of the quarter. The form for the quarterly return in such cases is given in Form No. 126.

Remission of ex-  
tra wages.

**233.** Apart from the cases in which the three months' extra wages, or a part of them, may be remitted, as provided for in sections 4561, 4580, and 4583 of the Revised Statutes (paragraphs 217 and 223), there are also a few cases in which it has been held that a remission of the whole or a part of such wages may be made consistently with the object and intent of the statute requiring their payment.

**234**..1°. The shipment of foreign seamen in foreign ports appears to introduce an element that was not contemplated at the time of the enactment of the laws respecting extra wages and the relief of seamen, and these laws are substantially reproduced in the Revised Statutes. The controlling object of the statutes was the preservation and protection of a body of seamen, citizens of the United States, who should be available for the merchant marine and whom Consular officers should have the means of maintaining and returning to the United States on their discharge abroad. In the case of foreigners shipped at foreign ports this intent of the statute does not seem to apply; and it is accordingly held that when a seaman, being a foreigner, who has not declared his intention of becoming a citizen, and served three years on a merchant vessel, agreeably to section 2174 of the Revised Statutes, is shipped in a foreign port and is discharged in a foreign port, except when the contract calls for discharge in a port of the United States, no extra wages are to be collected.

Foreign seamen,

**235**..2°. When a seaman is discharged in a foreign port in consequence of his imprisonment by the authorities for an offense against the local laws, or is detained as a witness in such an offense, or where the seaman is taken from a vessel to be sent as a prisoner or a witness to the United States, no extra wages are to be collected. It is also held that no extra wages are collectable in the case of a technical discharge, not involving separation from the vessel, as when a seaman is promoted to be an officer, or an officer to be master, or when an officer is disgraced to the grade of seaman. The taking of a seaman from a vessel by the process of a foreign court, in the absence of fraud on the part of the master, would no doubt exonerate the latter from the obligation of the bond to return him to the United States. An unprincipled master, however, may be tempted to procure the arrest of a seaman for some trifling offense—as an assault and battery—committed on shore, for the sole purpose of evading the payment of extra wages. The Consular Officer should be well satisfied that this is not the case before he grants the discharge or remits the payment of the extra wages.

Enforced and technical discharge.

Transfer of seamen.

**236..3°.** When a seaman is transferred in a foreign port, passing from the deck of one American vessel to that of another; or when a seaman is discharged from one vessel to take the place of an officer, or an officer the place of master on another American vessel, only the one month's extra wages due the Government should be collected. In all such cases, however, a waiver of the two months' extra wages should be taken.

Statute to be deemed a part of the contract.  
10 C. Cls., 454.

**237..4°.** Where seamen are shipped for a voyage from the United States and return, with a proviso that they may be discharged in a foreign port by mutual consent of themselves and the master, it is held that such an agreement does not take the case out of the statute requiring the payment of three months' extra wages. The statutes in this respect must be deemed to be a part of the contract. The Consular Officer must exact one month's extra wages for the Government, although he may permit the seaman to waive his right to the two months' extra wages to which he is entitled, if the circumstances are deemed to justify it.

Quality of American seaman, how retained and lost.

**238..5°.** A seaman, being a foreigner, who is discharged at a foreign port before the termination of a voyage on which he was shipped on an American vessel in a port of the United States, is entitled to extra wages in the same manner as a seaman who is a citizen, and on such a discharge he may be relieved and returned to the United States. And the quality of an American seaman is retained by him on his shipment at such port of discharge on an American vessel; and he may continue to retain that quality by successive reshipments on American vessels abroad. It is held, however, that if he engages on board a foreign vessel at the port of discharge in a foreign country, he divests himself of the character of an American seaman and does not regain it until he again reships on an American vessel in a port of the United States. The rule is, that a foreigner discharged from an American vessel in a foreign port, and subsequently shipping on a foreign vessel, cannot thereafter be deemed an American seaman for the purposes of extra wages and relief until he returns to the United States and again ships on an American vessel. It is not material in such cases how many engagements he may serve on American vessels before his return to

the United States. On the other hand, when an American seaman, who is also a citizen of the United States, is shipped and discharged under such circumstances, the case is within the statute and regulations relating to extra wages and relief.

**239..6°.** The foregoing case applies to seamen who are regularly discharged from American vessels in foreign ports, and not to deserters, unless the desertion was caused by cruel or unusual treatment. A foreigner deserting from an American vessel abroad, although subsequently reshipping on an American vessel at the port of desertion, is deemed by the act of desertion to have lost the character of an American seaman, and he will not be entitled to extra wages or relief if afterwards discharged in another foreign port. In discharging foreigners who claim to have served continuously in American vessels, Consular Officers, therefore, will be careful to satisfy themselves, wherever it is practicable, that the seaman was regularly discharged at the port of shipment, and was not a deserter.

Deserters, how regarded.

**240..7°.** Two exceptions, however, have been made in the case of a foreign seaman shipped and discharged abroad: *First*, when he is discharged abroad in consequence of sickness contracted in the service of the vessel and through no fault of his own. *Second*, when his contract of shipment calls for his discharge at a port in the United States. In both these cases it is held that the extra wages should be collected and that the seaman is entitled to relief.

Exceptions as to foreign seamen.

**241..8°.** A minor who conceals himself on board a vessel, and is discovered when the vessel is at sea, although he has been put on duty as a seaman, can be put on shore and delivered to a Consular Officer without the payment of extra wages. The decision that it is the duty of the Consular Officer in such a case to afford relief to him as a destitute seaman is not in accordance with the rules governing the adjustment of the accounts for the relief of seamen at the Treasury Department, and the expenses of relief under such circumstances are not allowed.

Minor stowaways.

**242..** Instances have occurred in which a vessel has been sold in the United States to be delivered at a foreign port, and the shipping articles provided for the return of the sea-

When vessel is sold in the United States to be delivered abroad.

men to the United States by the same vessel under a different owner. Such cases are regarded as within the intent of section 4582 of the Revised Statutes, and the Consular Officer at the port where the vessel is delivered to the new owner should formally discharge the seamen and collect the extra wages.

Consul's proceedings in doubtful cases.

**243.** In cases of doubt, in which from any cause the Consular Officer is unable to decide to his satisfaction whether the extra wages should be collected or not, it will be the preferable and safer course for him to require their payment. The master or agent of the vessel should be permitted to make the payment under protest, if he shall see fit. A full statement of the facts should be promptly communicated to the Department of State, when the case will be examined, and restitution will be made if the circumstances are deemed to warrant it. It is desirable, also, that a like report should be made to the Fifth Auditor of the Treasury, to accompany the quarterly relief return to that officer.

Contract for discharge at a foreign port.

**244.** When an American seaman ships in a port of the United States or in a foreign port under a contract to be discharged at a foreign port, the case is within the statutes respecting the payment of extra wages. The provision as to the expiration of a seaman's contract, referred to in section 4583 of the Revised Statutes, is held to apply rather to a voyage continued beyond the time of contract, in consequence of the alteration of the voyage through disaster or other adverse circumstances beyond the control of the master.

Discharge for misconduct.  
R. S., sec. 4580.

**245.** Under the authority of section 4580 of the Revised Statutes, which provides that where the cause of the seaman's discharge is misconduct on his part, so much of the extra wages as is payable to him may be remitted, Consular Officers not unfrequently discharge seamen with one month's extra wages, and such seamen afterwards and before reshipment become an expense to the Consulate. It should be understood that it is still required, on a discharge under such circumstances, that relief should be provided by the immediate reshipment of the seaman; otherwise the Consular Officer is liable to disallowances in the adjustment of his accounts. Under the established ruling of the Treasury Department,

concurrent by the Department of State, when a seaman is discharged with one month's extra wages only, on the ground of misconduct, and subsequently becomes an expense to the Consulate, the Consular Officer is held accountable, in the adjustment of his accounts, for the two month's extra wages of such seaman, or for so much thereof as may be equal to the expense incurred on his account. In such cases, therefore, it is advisable that some security should be taken from the master or agents, or by the requirement of the two months' extra wages due the seaman, or otherwise, to meet such a contingency.

**246.** It is the duty of the Consular Officer to collect all arrears of wages that are due to a seaman up to the date of his discharge. These are to be collected, as in the case of extra wages, in gold or its equivalent, and without any deduction whatever, any contract to the contrary notwithstanding. It is not intended, however, by this provision that the arrears of wages should be paid in every case in full to the seaman on his leaving the Consulate, without regard to the expenses that may have been incurred for his relief, or to the fact that these expenses may exceed the two months' extra wages collected on his discharge. A seaman who has arrears of wages in the hands of the Consular Officer cannot be regarded as destitute until they have been exhausted in defraying his expenses. The rule of the accounting officers of the Treasury Department is, that arrears of wages collected are first to be applied to the expenses of the seaman, in the same manner as the two months' extra wages are applied, and that the residue only is to be refunded to the seaman. A voucher for the arrears of wages refunded will hereafter be required from Consular Officers in the form prescribed in Form No. 164, to accompany the account-current (Form No. 100).

Arrears of wages  
to be collected.

**247.** It has been held that a Consular Officer has no authority to demand and receive from the master of a vessel the money and effects belonging to a deserter from the vessel. It is believed, however, that this decision may not be applicable where the vessel is sold in a foreign port to citizens or subjects of a foreign state. For instructions in such a case

Moneys and ef-  
fects of deserters  
14 Op. Atty. Genl.,  
520.

Consular Officers are referred to paragraph 289, under "Desertion of seamen."

Master to account  
for wages  
R. S., sec. 4550.

**248.**.. It is provided by law that every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver a full and true account of the seaman's wages, and all deductions therefrom, and of all charges against him. For the better protection of both masters and seamen, as well as of the interests of the Government, it will hereafter be required that, when the articles of a vessel do not show a seaman to be in debt for advanced wages received, the master shall, within forty-eight hours after arrival in port, deliver to the Consular Officer a full account of all "slops" (or, if he prefers, deposit his slop-book at the Consulate) issued to, and of all other charges against, each seaman during the passage to the port. If this requirement is not complied with, such account will not be allowed in settlement of the amount of wages due deserters from the vessel. And for the protection of the ship against unjust claims on account of wages, all payments made to a seaman while in port must be made at the Consulate, or the seaman must, in person or in writing, subsequently acknowledge the payments to the Consular Officer. Unless payments are so made or acknowledged, the Consular Officer is authorized to refuse to recognize them in his final settlement of the seaman's account.

Payment of sea-  
men on discharge.

**249.**.. When any seaman is to be discharged and paid off, or any desertion list is to be settled or certified, the master of the vessel must be present at the Consulate with his slop-book. Each item of the ship's account of wages earned by, and of the charges against, the seaman will be verified by the Consular Officer, and carefully stated to the seaman; and if there be any charges from which the seaman dissents, they will be investigated and settled at once. To avoid delay, and for convenience in the adjustment of such accounts, it is often desirable that a fixed time should be set when the seaman may be paid off and discharged.

Wages, how de-  
termined.  
R. S., secs. 4525,  
4526.

**250.**.. The wages of a seaman are not dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he served had earned freight shall, subject



to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner *in personam*, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice had not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim. In cases where the service of any seaman terminates before the period contemplated in the agreement, by wreck or loss of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

**251**.. It is made the duty of a master of a vessel making a foreign voyage to pay to each seaman his wages within three days after the cargo has been delivered, or within five days after his discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth of the balance due to him. Every master or owner who neglects or refuses to make payment in the manner hereinbefore mentioned, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods. This section, however, does not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage.

Wages, when to be paid.  
R. S., sec. 4529.

**252**.. Every seaman is entitled to receive from the master of the vessel to which he belongs one-third part of the wages which shall be due to him at every port where such vessel shall unload and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast is fully discharged at the last port of delivery, he shall be entitled to the wages which shall then be due.

Amount of wages payable.  
R. S., sec. 4530.

**253**.. Whenever any seaman or apprentice belonging to or sent home on any merchant-vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during the voyage, if the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall

Death of seaman.  
R. S., secs. 4532, 4533.

report the case to the Consular Officer there, and shall give to such Officer any information he requires as to the destination of the vessel and probable length of the voyage; and such Officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt. The Consular Officer will also, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment. If the Consular Officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping commissioner there.

When master is discharged.

**254.** On the discharge of a master of a vessel in a foreign port, payment of arrears of wages and of extra wages is to be required under the same circumstances as for other mariners. Difficulty has arisen, in some instances, in determining the rate at which the extra wages should be exacted; and it has been held that, in the absence of a specific contract, the Consular Officer should fix the rate at that which is usual and customary for masters of vessels of the class at the American port at which the master shipped.

Ms. Dept. of State.

Seamen shipped at nominal rates.

**255.** It has already been said (paragraph 193) that the shipping articles are deemed to contain all the conditions of the seaman's contract with the ship. It is found, however, that seamen discharged in foreign ports are sometimes credited on the ship's books at a merely nominal rate, and the relief fund not unfrequently suffers detriment in consequence of this device to avoid the payment of extra wages in full. Consular Officers will therefore be watchful to thwart such practices in future, and in any case where the return made by the master fraudulently disagrees with the customary rate of compensation in the marine service, they are instructed to exact the highest rate of wages paid to any seaman shipped for the voyage, or the sum actually agreed to be given him at his shipment, if it can be ascertained, whatever may be the sum falsely stated in the articles.

**256.**.. When seamen have been shipped on board of American vessels without the rate of their wages being specified on the shipping articles, as on board of whaling-ships where they are shipped by the "lay," they shall be entitled, upon their discharge at a foreign port, to the sum of fifteen dollars per month as "extra wages," payable in gold coin of the United States or its equivalent.

Shipment "by the lay."

**257.**.. Consular Officers are authorized and required to retain possession of a ship's papers that have been deposited with them, as directed by law, until payment shall be made of all lawful demands and wages on account of the vessel. If the master departs from the port with his vessel, with these demands and wages unpaid and leaving the vessel's papers in his hands, the Consular Officer will at once transmit the latter to the Department of State, accompanied by a full report of the facts and an account of the several sums due, in order that measures may be taken through the proper office of the Government for collecting the account on the arrival of the vessel in the United States, and for such other proceedings as the conduct of the master may be deemed to require.

Detention of ship's papers.

## ARTICLE XV.

### Relief of Seamen.

**258.**.. It is made the duty of Consular Officers, from time to time, to provide for the seamen of the United States who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities. The provisions respecting relief apply to American seamen on American or foreign-built vessels purchased abroad and wholly owned by American citizens in the same manner as to seamen of regularly-documented vessels.

Relief of seamen.  
R. S., sec. 4577.

**259.**.. The seamen of the merchant-marine of the United States alone are those whom the law contemplates relieving ;

Relief of merchant seamen only

and no provision has been made for the relief of destitute Americans other than seamen. No relief, therefore, is authorized to be granted to such destitute Americans, or to seamen, whether citizens or foreigners, discharged or deserting from naval vessels of the United States; and expenditures for such relief will not be allowed if found in the Consular accounts.

Conditions of relief.

**260.**..A seaman who is entitled to extra wages on his discharge in a foreign port, is entitled also to relief and a passage to the United States. Before granting relief a Consular Officer should satisfy himself that the applicant is an American seaman as already defined, and that he is entitled to relief under the statutes, usages, and decisions hereinbefore referred to, and that he is destitute. A seaman cannot be regarded as destitute when he has any arrears of wages or is earning his own living; and in the relief of a seaman the arrears of wages in the hands of the Consular Officer should first be exhausted before recourse is had to the extra wages. The amount to be paid for relief is, however, not limited to the arrears of wages and the extra wages, but relief may be continued, if necessary, after both have been exhausted.

Examination of seamen.

**261.**..Seamen applying for relief must be examined touching the manner of their being left destitute, and the name of the vessel and her master on which they last shipped, and the time and place and cause of discharge; and if it shall appear from such examination that they have been discharged from any American vessel contrary to the provisions of section 4582 of the Revised Statutes, or to other provisions of law applicable to such cases, it shall be the duty of the Consular Officer to report the facts to the Department of State, with any other information that may enable it to cause the proper proceedings to be taken for a violation of the laws.

Seamen on foreign vessels.

**262.**..Seamen often claim relief from Consular Officers after discharge from a foreign vessel, and on the refusal of the Consular Officer, of the state to which the vessel belonged, to provide for them. The shipment of American seamen in foreign vessels is to be discouraged, and a Consular Officer is not at liberty to lend his aid in the enforcement of such shipments. When a seaman, not an American cit-

izen, and who has not acquired the character of an American seaman, as hereinbefore explained, comes upon a Consulate upon his discharge from a foreign vessel, or when his last service was in a foreign vessel, the Consular Officer has no authority to grant relief. The seaman must look to the Consul of the nation on whose ship he served. As Consular Officers not unfrequently mistake their authority in this respect, they are informed that accounts for relief extended to seamen under these circumstances will not be allowed.

**263.** A destitute deserter may be entitled to relief and to transportation to the United States. When, however, relief is applied for by a deserter, it is the duty of the Consular Officer to ascertain clearly and satisfactorily, before granting it, that he is justly entitled to it, and that the desertion was caused by unusual or cruel treatment, or was otherwise justifiable. If it shall appear that the desertion was caused by such treatment, the seaman may be discharged in accordance with section 4600 of the Revised Statutes, and will be entitled to the arrears of wages and extra wages. If the vessel shall have left the port, and the Consular Officer is satisfied that the case is within the provisions of the statute, the facts should be reported to the Department of State. In all such cases, however, care should be taken that the provisions for the relief of destitute seamen should not be allowed to operate as an incitement to desertion.

Relief of desert-  
ers, when,  
R. S., sec. 4600.

**264.** The laws of the United States make no distinction in their provisions, in respect to relief and transportation, between a master or a mate and a seaman, and Consular Officers should be careful themselves to make none. When charges for supplies to masters or mates are at a higher rate than those for seamen, a deduction of the excess will be made. In no case is a Consular Officer authorized to supply money to a master or officer, to be reimbursed by the Government.

Relief of masters  
and officers.

**265.** It sometimes happens that seamen of the naval vessels of the United States are left under the care of Consular Officers, in consequence of sickness, injuries, or other causes. Such seamen are not entitled to the relief provided by law for seamen of the merchant-service, and a Consular Officer has no authority to incur expenses in their behalf.

Naval seamen left  
in care of Consuls.

In such cases he may properly require, for his own protection, from the naval officer at whose request he takes charge of the seaman, either that adequate provision shall be made at the time to meet the necessary expenses, or such written authorization as will secure to him the reimbursement of any outlays he may be called upon to make.

Relief of shipwrecked seamen.

**266.** Cases frequently occur in which seamen of American vessels are rescued from shipwreck or are brought after shipwreck from places where there is no Consular Officer, and are landed at or find their way to a port where such an officer is stationed. In such a case the latter will be authorized to afford relief without regard to the nationality of the seaman, or the character of American seaman, as herein defined. If they cannot be reshipped, they should be provided with passages to the United States, or to an intermediate port where employment may be had or passages obtained.

Relief to consist in, &c.

**267.** The relief afforded will comprise lodging, subsistence, clothing, medical attendance, and medicines. The lodgings should be in a healthy locality, removed, if possible, from scenes of temptation and vice. The subsistence should be simple but sufficient. It is usual, however, to contract for the board of seamen. The medical attendance and medicines should be found at a hospital, if there be one in the place, unless special instructions otherwise are given. If private treatment is provided, the reasons therefor must be communicated to the Department of State. A form of order to send seamen to a hospital, and a form of certificate when seamen leave a hospital against the physician's advice, are given in Forms Nos. 22 and 23.

Clothing to be reported.

**268.** The clothing should be of the cheapest kind, consistent with strength and durability, and such as seamen are accustomed to wear. If there is much call for supplies of this kind, they should be bought in proper quantities and distributed as wanted. Whenever seamen are sent to the United States by way of a foreign port at which there is a Consular Officer, the Consular Officer sending the seamen should transmit to his colleague there, either by the same vessel or by the quickest route, a statement showing the names of the seamen and the quantity and kind of clothing furnished them, and at what dates; and if the seamen are

sent to still another intermediate port where there is a Consular Officer, the list of names and clothing should be in like manner transmitted.

**269** . . Proper vouchers for the board, subsistence, clothing, and medical attendance and medicines, and any expenditure for the relief of destitute seamen, must be taken in every case. The vouchers for board and medical attendance should show the name of the seaman, the time of subsistence or treatment, giving the date of beginning and termination and the rate per day or week, and, whenever it is practicable, the name of the ship from which and the place where the seaman was discharged. Under the rules of the accounting officers of the Treasury Department, the receipts for clothing, necessaries, and supplies, given by a seaman making his mark, or otherwise, should be witnessed. The witness should be a disinterested person, not a member of the firm furnishing the articles. The accounts for the relief of seamen must be accompanied by a certificate of the Consul that he has neither received nor will receive, directly or indirectly, any pecuniary or other advantage whatever from the expenditures set forth in the accounts.

Vouchers for relief.

**270** . . Consular Officers are forbidden from owning, maintaining, or having directly or indirectly any pecuniary interest in any hospital abroad to which American seamen are sent, whether located within or without their respective jurisdictions. A Consular Officer known to be so interested, or if interested in like manner in the supplies furnished to destitute seamen, will be removed. Such cases are within the prohibition of the statute, and an Officer so offending will be deemed liable to prosecution under its provisions.

Consul not to be interested in hospital or supplies.  
R. S., sec. 1719.

## ARTICLE XVI.

### Transportation of Seamen.

**271** . . It is made the duty of Consuls to provide for the seamen of the United States, who may be found destitute within their districts, passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. And it is provided that seamen so sent

Transportation of seamen.  
R. S., secs. 4577, 4578.

to the United States shall, if able, be bound to do duty on board the vessels on which they may be transported, according to their several abilities. It is also made obligatory upon a master of an American vessel bound to a port of the United States to take such destitute seamen on board his vessel at the request of a Consul, and to transport them to the port of destination in the United States on such terms, not exceeding ten dollars for each person, as may be agreed upon between the master and the Consul. The penalty for refusal is in the sum of one hundred dollars for each seaman so refused. The certificate of the Consul, given under his hand and official seal, is made presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. It is, however, not required that a master should take a greater number than two men for every one hundred tons burden of the vessel on any one voyage.

3 Sumner, 115.

From foreign  
ports.  
R. S., sec. 4579.

**272.** When, however, distressed seamen of the United States are transported from foreign ports where there is no Consular Officer of the United States to ports of the United States, there shall be allowed to the master or owner of each vessel in which they are transported such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

In what vessels.

**273.** The statute does not impose the duty of transportation upon every American vessel found in a foreign port. Such a requirement might, under many circumstances, operate oppressively upon masters and owners. But the provision is limited in its application to such vessels found in a foreign port as shall belong to citizens of the United States, and as shall be bound to some port thereof; and it does not apply to such vessels when bound to another foreign port and thence to some port of the United States. Where, however, the opportunities of sending seamen to the United States do not often occur, and they are likely otherwise to remain a charge on the Consulate, the Consul should request the master to take them on board for transportation to an intermediate port at which such opportunities can be found, if the vessel is to touch at such a port, and for this service a suitable compensation will be allowed.



**274**.. Seamen who are entitled to relief are also entitled to be returned to the United States, and they should be provided with transportation at the earliest possible day, either directly to a port of the United States or to an intermediate port, where they may find employment in American vessels or passages to the United States. The Consular Officer is the proper judge as to the ship on board of which the seaman should be placed for his return to the United States. But it has been held that a master is not obliged to take on board persons accused of crimes to be transported to the United States for prosecution. He will also not be required to take an insane seaman, unless harmlessly so or in the custody of a keeper; nor a sick seaman who is likely to die on the voyage; but in the latter case the Consul must determine whether the seaman is too sick to be sent, and whether the voyage may not benefit or restore him.

What seamen may be transported. 3 Sumner, 115. 7 Op. Att'y. Genl., 722.

**275**.. Consuls will be careful, on sending destitute American seamen to the United States, to give to the master of the vessel on board of which they are placed a certificate in accordance with Form No. 24, setting forth their names and the amount to be paid for their passage. This certificate is payable at the Treasury of the United States, and not by the collectors of customs. The latter, however, are required to indorse upon the certificate the fact of the arrival of the seamen within their several districts, upon which the certificate should be sent to the Fifth Auditor of the Treasury, when the amount agreed upon for the passage of the seamen will be remitted to the master or his assignee. The passages of seamen to the United States should not be paid in advance by a Consul, unless they cannot otherwise be had, and then only in foreign vessels. Payment for such passages will not be allowed without satisfactory explanation and proof of the delivery of the seamen at the port to which the passages are paid.

Transportation, how paid.

**276**.. When American seamen are put on board a vessel of the United States in a foreign port by a Consul for transportation, they are bound by the same regulations as articulated seamen; they are subject to the laws respecting the crew, and they are bound to do duty as other seamen. They are, on the other hand, entitled to receive the same accommoda-

Seamen to do duty. Peters, C. C., 118. R. S., secs. 4577, 4578.

tions, subsistence and treatment as the seamen of the transporting vessel.

Agreements for  
transportation.

**277.** In consequence of the statutory restriction as to the number of destitute seamen which an American vessel is required to bring to the United States, and of the liability to the detention of seamen for considerable periods through the want of vessels bound directly to the United States, Consuls are instructed, when an American vessel has received two seamen for every one hundred tons burden at the price fixed by law, that they may negotiate with the master for the passage of an additional number, if necessary, at a reasonable compensation above the ten dollars provided by law. This compensation will be paid on the presentation of the Consular certificate to the Fifth Auditor of the Treasury in the way hereinbefore prescribed. They may also contract with masters of foreign vessels at reasonable rates when opportunities by American vessels do not offer. In such cases the reasons for the payment of increased compensation should be stated in the Consular certificate. The certificate (Form No. 25) should also state, in the case of American vessels taking a greater number of seamen than is required by law and at a greater rate, that there were no other American vessels then in port bound for the United States.

Detention of sea-  
men.

**278.** The Department has had reason to complain of the detention of seamen at some Consulates for long periods of time. There can be but two reasons for this practice: 1°. A deficiency of American or other vessels bound to the United States, by which they may be sent home. 2°. Such a state of infirm health of the seamen as would render it improper to send them on the voyage. In order to guard against improper expenditure from this cause, the accounting officers suspend, in the adjustment of Consular accounts, all charges for relief afforded to seamen who have been for more than three months chargeable to the United States, unless the accounts are accompanied by satisfactory evidence, first, that the detention was caused by a want of vessels in which they might have been shipped to the United States; or, second, that the health of the seamen was in such a state that it would endanger their lives to send them on the homeward voyage. The evidence in the latter case is to be the certifi-

cate as per Form No. 26 of the attending physician. Unless it is furnished, the drafts of the Consul will not be paid.

**279.**..In places where opportunities of sending seamen home seldom occur, and employment on board of American vessels cannot be obtained, the Consul may ship them to an intermediate port where they may be likely to find such employment or a passage to the United States. He will, in this case, make a specific agreement with the master of the vessel at the most reasonable rate for their passage, giving to him a certificate (Form No. 163) requesting the Consular Officer at the port of destination to pay to the master of the vessel the amount agreed upon for the passage of the seamen upon their arrival at the Consulate and the presentation of the certificate. The Consular Officer to whom they are sent must indorse on the certificate the fact of the arrival of the seamen and cause the master to receipt thereon for the passage-money paid to him. The certificate, so indorsed and receipted, should be transmitted with the account of the Consul for relief of seamen, in which the amount so paid for the passages of the seamen should be debited to the United States.

Shipment to intermediate ports.

**280.**..In the exercise of this discretion in respect to sending destitute seamen to intermediate ports, the Consul will take into consideration the relative cost of keeping the seamen where they are and at the port to which they can be sent, together with the expense of their passage thither and the probability of their obtaining employment there or a passage home, and he will adopt the course which may seem best, having a due regard for the interests of the United States and a proper concern for the seamen. In the event that the Consul to whom seamen are thus sent should not have sufficient funds to pay the passage-money, he should negotiate a draft for the proper amount, drawn upon the Secretary of State, and pay the amount from the proceeds. It is not desirable, and it will often be inconvenient, for the master to negotiate such a draft, and, unless otherwise requested, the Consul should himself negotiate it. Information of the drawing of such drafts, together with a report of the number of seamen, the cost of passage, and the Consul by whom they were sent, must at once be communicated

Duties of Consul.

to the Department of State. In the absence of information in these respects, payment of the drafts may be withheld.

Transportation on  
steamers.

**281.**.. It is understood, however, that the greater number of seamen sent by Consular Officers to intermediate ports are forwarded on regular passenger steamers, on which, as a rule, payment of passage is required in advance. When, therefore, the passages of destitute seamen are paid in advance, the Consular Officer by whom they are sent should transmit to the Consul at the port of destination, either by the same vessel or the quickest route, a list of the seamen forwarded, with the name of the vessel, requesting him to certify the arrival of the seamen on the list and to transmit it at once to the Fifth Auditor of the Treasury. It will be the duty of the latter to comply with such requests without delay. In case a draft should be necessary to meet the expense of the passages so paid in advance, it should be drawn upon the Secretary of State and negotiated and reported as provided for in the preceding paragraph.

Clothing, &c.,  
supplied, to be re-  
ported.

**282.**.. When destitute seamen are forwarded to intermediate ports, as provided for in the preceding paragraphs, and supplies of clothing are furnished them by the Consul by whom they are forwarded, a list of the clothing should be transmitted to the Consul at the port of destination, in the manner prescribed in paragraph 268.

Additional allow-  
ance.

**283.**.. To meet cases in which American seamen are transported from districts where there are no Consular Officers of the United States to ports of the United States, the statute has authorized such reasonable allowance, in addition to the ten dollars fixed by law, as shall be deemed to be equitable by the First Comptroller of the Treasury. The accounts for services of this kind should be sent directly to that Officer.

Transportation of  
shipwrecked sea-  
men.

**284.**.. It not unfrequently happens that the seamen of American vessels are taken up at sea, in consequence of shipwreck or otherwise, and transported either to a port of the United States or to a foreign port. It is usual in such cases for the Department of State, when the circumstances are deemed to justify it, to compensate the master or owner of the transporting vessel for the subsistence and supplies furnished to the seamen, at a rate not exceeding fifty cents a day for each seaman while on board. Such compensation,

however, is not often demanded. When seamen are landed at a Consulate under these circumstances, and it is believed that reimbursement should be made for their expenses, the Consular Officer should be careful to communicate to the Department the number of seamen and the time they were subsisted, together with a report of the circumstances under which they were taken on board. When an account for subsistence and supplies is sent to the Department, it will save time if it is prepared in duplicate and receipted by the proper parties.

285.. It is observed that Consuls sometimes fail to deduct the amount paid, or agreed to be paid, for passage on a Consular certificate, from the arrears of wages or extra wages of the seaman who is sent to the United States on such a certificate; and they are, in consequence, subjected to disallowances in the adjustment of their accounts. It should, therefore, be stated that the amount to be paid at the Treasury Department for the passage of a seaman to the United States on a Consular certificate is to be estimated with the expenses of the seaman, and deducted from his arrears of wages or the two months' extra wages, in the same manner as the expenses for relief that are paid directly by the Consular Officer. When, also, a seaman is sent to an intermediate port, if any part of the arrears of wages or the two months' extra wages is available for the purpose, the amount paid in advance for his passage, or requested to be paid, by the Consular Officer at the port of destination, should be deducted in like manner.

Passage money to be paid from arrears of wages, &c.

286.. All accounts relating to the relief and transportation of destitute seamen must be in the name of the principal Consular Officer, and drafts on the Department of State must be made by those officers only. No account or draft of a Vice-Consul or Vice-Commercial Agent or Consular Agent will receive attention, unless in the absence of the principal Consular Officer from his post, in which case a certificate of that fact must accompany the account or draft.

Accounts and drafts.

## ARTICLE XVII.

**Desertion of Seamen.**

Desertion, how  
punished.  
R. S., secs. 4596,  
4599, 4600.

**287.** It is provided by statute that desertion shall be punished by imprisonment for not more than three months, and by the forfeiture of all or any part of the clothes or effects the deserter leaves on board, and of all or any part of the wages or emoluments which he has then earned; and that when a seaman or apprentice neglects or refuses to join the ship, or deserts from or refuses to go to sea, in any vessel in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, at any place out of the United States, he may be apprehended and detained or conveyed on board. It is also made the duty of Consular Officers to reclaim deserters, and to employ the local authorities for the purpose, whenever that can be done.

Forfeiture of  
clothes, wages, &c.  
R. S., sec. 4604.

**288.** The clothes, effects, and wages which are forfeited for desertion are to be applied in payment of the expenses occasioned by the desertion to the master or owner of the vessel from which the desertion took place, and the balance, if any, is to be paid by the master or owner to any shipping commissioner resident at the port at which the voyage of the vessel terminates. In all cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable. Under the provisions of this statute it has been decided that a Consular Officer has no authority to demand and receive from the master the money and effects belonging to a deserter from the vessel.

12 Op. Atty. Genl.  
520.

Upon sale of ves-  
sel abroad.

**289.** It is believed, however, that if a vessel is sold in a foreign port, and the master then has a balance of wages of a deserter in his hands, which would be delivered to the shipping commissioner if the voyage were to terminate in a port of the United States, the Consul may properly demand such balance; and he is instructed to make the necessary inquiries of the master in this respect. If the master refuses to comply with the demand, the Consul will report the facts, together with the amount of the balance and the name of the deserter, to the Department of State. If the master complies with the demand, it will be the duty of the Consul to give a receipt for any money delivered to him, and to

transmit the amount, through the Department of State, to the Shipping Commissioner at the port to which the vessel belonged, or, if there is no shipping commissioner, then to the district judge for the district in which the port is situated.

290.. Under the provisions of statute all clothes, effects, and wages of deserters are forfeited, and are to be applied, first, to the payment of the expenses occasioned by the desertion, to the master or owner of the vessel, and the balance, if any, is to be paid to the shipping commissioner, and ultimately goes into a fund for the relief of sick and disabled and destitute seamen. It is the duty of a Consular Officer, so far as possible, to protect this fund. To that end, therefore, he will require the master, when a desertion list is to be settled and certified, to exhibit his slop-hook and an account of all items charged against the seaman, and the amount, if any, due to him from the ship at the date of desertion. He will closely examine the account of the ship against the seaman, and he may withhold his approval, if he shall be satisfied that the account is overstated, or the prices of articles are extortionate, or that the account is fraudulent in any respect, until the master shall consent to its rectification. In settling the account of a deserter's wages, or his interest in the cargo, no allowance or deduction shall be made except for moneys actually paid, or goods at a fair price supplied, or expenses incurred for the seaman, any receipt or voucher from or arrangement with the seaman to the contrary notwithstanding.

Consul to protect fund arising from forfeitures.  
R. S., secs. 4604, 4545.

291.. Desertion is defined to be the quitting of the ship and her service by one of the ship's company, without leave and against the obligation of the party, and *with an intent not again to return to the ship's duty*. Neglect or refusal to rejoin the ship, after an absence with leave, when ordered to return, is desertion; but it is not desertion when a mariner, through excess of indulgence, overstays his time of leave, and when he has not refused or neglected to comply with an order to return; nor when the seaman leaves the ship on account of cruel or oppressive treatment; or for want of sufficient provisions in port when they can be procured by the

Desertion defined.

master; or when the voyage is altered in the articles without consent.

2 Benedict, 289.

**292**.. A casual overstay of leave, therefore, is not desertion, nor is the going ashore without leave but with the intent to return. The Consular Officer will be careful to inquire on these points, as sailors on shore often overstay their leaves of absence. He will also take care to assure himself that a reported desertion has not been fraudulently favored or permitted by the master for the purpose of avoiding the payment of extra wages upon a regular discharge of the seaman.

Arrest of desert-  
ers.

**293**.. In countries with which the United States have stipulations by treaty or convention providing for it, or where it is permitted by the local authorities, Consular Officers may cause the arrest of deserters and imprison them until required by the master, or send them on board (Forms No. 31, 32, and 34). The imprisonment, however, is only in order to detain the deserter, and not to punish him; and there is no authority for its infliction at the request of a master after the discharge of a seaman from his contract with the vessel. Apart from the stipulations of treaty, the local laws of a country often provide for the arrest of deserters, in order to prevent their becoming a public charge, and these laws may be availed of by Consular Officers. Authority for the arrest and detention is also granted in some countries as a matter of comity or has the sanction of long established usage. But in the absence of a treaty or convention, a Consular Officer cannot claim as a right from the local authorities the detention or return of a deserter.

1 Curtis, 69.

Desertions to be  
noted on crew list.

**294**.. It is the duty of a master when a desertion occurs to note the fact on the list of the crew, and to have the desertion officially authenticated at the port or place of the Consular office where it takes place, if it is possible; if not, at the Consular office at the port first visited by the vessel after the desertion, if it shall have occurred in a foreign country. The form of the note is given in Form No. 33. If the vessel is at a port where there is a Consular Officer, it is the duty of the master to report to the latter the desertion of a seaman within forty-eight hours thereafter.

Desertion con-  
nived at or incited  
by masters.

**295**.. The circumstance that higher wages are now paid to seamen shipped in the United States than to seamen



shipped in many foreign ports is known to be taken advantage of by masters to rid the vessel of the crew engaged in a home port and to ship a new crew abroad at a lower rate of wages. It is understood that to this end desertion is often permitted or connived at, that extra liberty is granted in the expectation that the seaman will not return to duty ; or that, if he remains by the vessel, harsh and unusual tasks are imposed or other improper measures taken to incite him to desert. These facts, together with the additional facts that desertions have of late largely increased and that the provisions for the relief of destitute seamen have in many instances been injudiciously used for the relief of deserters, make it necessary to enjoin upon Consular Officers to take every proper measure to discourage and defeat any proceedings on the part of masters under which seamen are permitted or forced to desert and subsequently come upon the Consulate for relief. And with this view they are forbidden to certify the desertion list of any master until it is satisfactorily shown that the desertion was not consented to or abetted by the master or his officers or was not made justifiable by the conduct on their part towards the seaman, and that all proper efforts were made to recover and secure the deserter.

**296.** As has been stated, it is required that the desertion of a seaman should be noted on the crew-list and officially authenticated by a Consular Officer. This provision is to be construed in connection with the provision that the bond given by the master for the return of the seaman shall not be forfeited on account of his absconding, of which satisfactory proof is to be exhibited to the Collector. No seaman can be said to abscond who openly goes off with the consent of the master or under circumstances showing the desire or intention to get rid of him. When, therefore, the Consular Officer is satisfied that the seaman did not abscond or that he could have been reclaimed if the master chose to make an effort for that purpose, he is instructed to decline making any certificate which would facilitate the master in evading the obligation of the bond for the return of his crew.

**297.** It is by law made the duty of Consular Officers, in cases where deserters are apprehended, to inquire into the

Absconding of seamen.

Desertion from  
cruel treatment.  
R. S., sec. 4600.

facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, the mariner shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the Consular Officer discharging him shall enter upon the crew-list and shipping-articles the cause of discharge and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto officially. It will be observed that the enforcement of this provision is imperative, and not discretionary, with the Consular Officer, when he is satisfied that the cause of the desertion is within its terms. The disposition of the extra wages in such a case is controlled by the general provisions of statute (sections 4581 and 4584 of the Revised Statutes), under which two-thirds only of the extra wages are payable to the seaman, after deducting the expense of his relief and transportation.

Extra wages may be exacted.

**298.** In like manner, when it satisfactorily appears to the Consular Officer that the desertion has taken place under the circumstances referred to in paragraphs 295 and 296, he is instructed to exact the full three months' extra wages, if the vessel is still in the port where the desertion occurred. If, however, after the vessel has sailed and the desertion has been certified on the crew-list, it shall appear that the desertion was within the provisions of those paragraphs, the Consular Officer will at once report the facts and circumstances to the Department of State, when measures will be taken, through the proper law officer of the Government, to set aside the Consular certificate and to enforce the penalty of the bond given by the master for the return of the seaman and to collect the extra wages.

Desertions to be reported within 48 hours.

**299.** It is well known that masters often neglect to report desertions until a considerable period after they occur or until the vessel is about to sail, and that consequently no effort is made, or can successfully be made, for the recovery of the deserters, who subsequently come upon the Consulate. In order, therefore, to aid in the enforcement of these regulations, the regulation by which the master of a vessel is required to report the desertion to the Consular Officer within forty-eight hours after it has occurred must be strictly insisted upon. If the master neglects so to report the deser-

tion, the Consular Officer is authorized and directed to decline to certify the desertion on the crew-list. He may, however, formally discharge the seaman, but only upon the condition of the payment of the three months' extra wages. In the event that it shall afterwards appear in such a case that the omission to report the desertion was unavoidable on the part of the master, or that the collection of the extra wages was, under the particular circumstances, inequitable, a full statement of the facts should be submitted to the Department of State with a view to the remission of the extra wages, if it shall be deemed proper. The Consular Officer, however, is not authorized in his discretion to forego the collection of the extra wages pending the submission of the case to the Department, but is instructed to exact them. If restitution is subsequently made, it will be done through the proper officer of the Treasury Department on a report from the Department of State.

**300.** The benefits of the law are sometimes imperatively invoked, as in the case of a mariner driven from his ship by intolerable treatment—treatment proceeding sometimes from reckless cruelty, and sometimes, as is believed, with a design to make the seaman leave his vessel when his services have ceased to be of value for the completion of the cruise. It is believed that the foregoing instructions will be sufficient to meet such cases; but Consular Officers are cautioned so to use the funds appropriated for relief as not to encourage seamen to break their shipping engagements from a confidence that in so doing they do not forfeit their claim to relief and protection.

**301.** As has already been adverted to, authority has been provided for in treaties and conventions with several powers, under which the assistance of the local authorities may be invoked for the arrest and detention of deserters. In other countries the privilege is accorded as a matter of comity or is established by long usage. The Consular Officer will inform himself of the provisions in this respect of the particular treaty or convention by which the authority is conferred, or of the practice under the comity or usage; and in making his request he will be careful that his proceedings conform thereto. Such requests are to be made upon the

Consul to use discretion.

Treaty provisions as to desertion.

application of the master, and the expenses attending the proceeding are to be paid by him. A general form of request will be found in Form No. 34. In case of a refusal by the local authorities to render the aid stipulated for in a treaty or convention, the Consular Officer will at once communicate all the facts, with copies of the correspondence, to the Diplomatic Representative of the United States, if there be one in the country, and to the Department of State.

#### ARTICLE XVIII.

##### **Disputes Between Masters, Officers, and Crews.**

General principle  
of treaties.

**302.** The general principle of the treaties and conventions of the United States with foreign powers, in reference to vessels and seamen, is that Consular Officers shall take jurisdiction over questions of wages, shipment, and discharge of seamen, and over all transactions occurring on board vessels of the United States lying in a foreign port, whether in the nature of contracts, torts, or crimes, so far as they concern only the vessels and their cargoes, and the persons belonging on board. If they concern the public peace of the country, or the rights of persons not belonging on board, they are subjects of local jurisdiction. A list of these treaties and conventions will be found in Appendix I, and the countries with which stipulations have been provided for disputes between masters and crews are mentioned in paragraph 93.

Wheaton, 178.

Limitation of jurisdiction.

**303.** In some treaties the jurisdiction of the Consular Officer is restricted to differences in regard to wages; in others it is extended to all disputes whether arising out of tort or contract. And in some cases the Consular Officer is authorized to call upon the local authorities to give forcible assistance to preserve and enforce his decisions and to imprison the crew of a vessel. Whenever a case arises, reference must be made to the provisions of the particular treaty or convention with the country in which the Consular Officer is acting for the extent of his jurisdiction in these respects.

Exclusive jurisdiction.

**304.** By treaties with several non-Christian States and semi-civilized countries, exclusive jurisdiction has been provided for not only as regards vessels and mariners and disputes between American citizens, but also as to offenses and

crimes. In Borneo, China, Japan, Madagascar, and Siam the jurisdiction embraces criminal offenses committed by citizens of the United States; and in Morocco, Tripoli, and Tunis, Consuls are empowered to assist in the trials of American citizens accused of murder or assault. In countries, however, in which Consular courts are provided for, the proceedings will be in accordance with the rules and regulations prescribed in conformity with law.

**305.**..In the absence of a treaty or convention with the country within which the Consular Officer resides, he has no jurisdiction in differences and disputes between masters and crews or between American citizens, except in so far as it may be permitted by the foreign State through the exercise of comity, or reciprocity, or by long-established usage. As respects such disputes and differences, the adjustment is to be made, whether under treaty or otherwise, in accordance with the laws of the United States, and not with those of the foreign power. The rule is, that all matters growing out of contract with the crew or affecting the police of the ship are subject to the laws of the State to which the vessel belongs. Although such matters may in some countries be submitted to the local tribunals, the proceeding should be discouraged as undesirable in many respects. In countries with which the United States have no treaty or convention, but in which a permissive jurisdiction has been granted or acquired, a Consular Officer should be careful to avail himself of it.

**306.**..While courts in the United States insist upon the right to jurisdiction over foreign merchant-vessels when in ports of the United States, except in so far as affected by treaty, they usually decline to exercise it in cases of disputes between masters and seamen of foreign vessels when the nation to which the vessel belongs has provided for the settlement of such disputes before its own Consuls, on the ground that such non-interference is necessary to the proper police regulations of the merchant-marine of nations. The exceptions to the rule are few, as when a master has been guilty of extreme cruelty, or when there is a manifest disregard of the contract which would operate unjustly to the seaman if he were to be compelled to await a return to his own country before he could resort to the courts.

Liberty of the crew to complain.

**307.** The master of a vessel is required by law to give the crew full liberty to lay their complaints before the Consular Officer, and not to restrain them from coming ashore, unless some sufficient and valid objection exist thereto; in which case, if any mariner desire to see the Consular Officer, it shall be the duty of the master to acquaint the latter forthwith, stating the reason why the mariner is not permitted to land, and that he is desired to come on board. The Consular Officer, on receiving such information, will repair on board without delay, and inquire into the causes of the complaint, and will proceed therein as the law directs. The investigation of these cases is often tedious, the evidence is apt to be conflicting, and the Consular Officer will require the use of all his good judgment, forbearance, discretion, and good temper.

Right of complaint protected by courts.  
1 Sprague, 62.

**308.** The right of the seaman to lay his complaint before the Consular Officer in a foreign port is one of great importance to him, and is carefully protected by the courts. The Consular Officer is regarded as the adviser and counsel of the seaman, and it is enjoined upon him to see that the latter is unrestricted in the privilege to submit his complaint. If there is reason to believe that a seaman is restrained in any way from appearing at the Consulate, in order to prevent his application to the Consular Officer, the latter will not wait for the complaint, but will at once proceed on board or take the proper steps to secure his appearance before him.

Complaint of unseaworthiness.  
R. S., secs. 4559-4563.

**309.** Provision has been made by statute for the examination of complaints in respect to the unseaworthy condition of the vessel and insufficient equipment or supplies, and for the proceedings of Consular Officers in such cases. It is the duty of the latter, when such complaints are submitted to him, to appoint inspectors to examine into the causes of complaint, who have authority to inspect the vessel and to take the necessary proofs. The Consular Officer may approve the whole or any part of the inspectors' report; and if it is found that the vessel was sent to sea unsuitably provided, by neglect or design, he may discharge the crew with the arrears of wages and three months' extra wages. If, however, the deficiencies were the result of mistake or acci-

dent, and are remedied within a reasonable time, the crew must remain; if not so remedied, the Consular Officer may discharge the crew, on their request, with one month's extra wages and the arrears of wages. Provision has also been made for the payment of the expenses of these proceedings by the master or those of the crew who make the complaint, and for a penalty on the master for refusal. In cases of this kind the Consular Officer will be careful to consult the full text of the statute.

**310.** When three or more of the crew of any merchant-ship of the United States, engaged according to the provisions of the statute, make complaint to an American Consular Officer that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity (see Form No. 27), such Officer shall thereupon examine the said provisions or water, or cause them to be examined; and, if they are found to be of bad quality, and unfit for use, or deficient in quantity, he shall signify the same in writing to the master of the ship (Form No. 23). If the master shall not thereupon provide other provisions or water when the same can be had, or does not procure the requisite quantity, or uses any which have been thus signified to be bad, he shall, in every case, incur a penalty not exceeding one hundred dollars. In each case the Consular Officer will enter the result of the examination in the log-book of the vessel (Form No. 29), and send a report thereof to the district judge of the port to which the vessel is bound (Form No. 30). If he certifies in such statement that there was no reasonable ground for the complaint, each party complaining shall be liable to forfeit to the master or owner one week's wages out of his wages.

**311.** In the following cases, that is to say, first, if, during a voyage, the allowance of any of the provisions which any seaman has, by his agreement, stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment, contained in the agreement, and also for any time during which such seaman willfully, and without sufficient cause, refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore); secondly, if it is shown that any of such provisions

Complaint as to provisions, &c.  
R. S., secs. 4565-4567.

As to reduction of provisions, &c.  
R. S., sec. 4568.

are, or have been during the voyage, bad in quality, and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to, and to be recoverable as, wages, that is to say, first, if his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding fifty cents a day; secondly, if his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day; thirdly, in respect of such bad quality as aforesaid, a sum not exceeding one dollar a day. But if it is proved that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.

Disputes as to  
wages.  
R. S., secs. 4524-  
4525.

**312.** . If the dispute relates to wages, the statute has defined the principles which are to govern the decision of the Consular Officer. The right to wages begins with the time the seaman begins work or at the time agreed upon for the commencement of work, or his presence on board, whichever first happens. The right to wages shall not be dependent upon the earning of freight by the ship. If the services have been rendered the seaman may recover the wages therefor from the master or owner *in personam*. But in case of wreck or loss of the ship, proof that the seaman did not exert himself to the utmost to save the ship, cargo, and stores, shall bar his claim.

Provisions as to  
wages.  
R. S., secs. 4526-  
4528.

**313.** . Where the seaman's service is terminated by reason of wreck or loss of the ship before expiration of the term of service, he may recover wages to the time of the loss, but not after. If a seaman is discharged, without fault on his part, before a month's wages are earned, he may, on proof of all the facts, be entitled to recover from the master one month's wages. No seaman is entitled to wages for the time that he lawfully refuses to work, or is lawfully imprisoned for offenses, unless the court hearing the case otherwise directs.



**314.** In vessels making voyages from a port on the Atlantic to a port on the Pacific, and *vice versa*, seamen are entitled to their wages within two days after the termination of the agreement, or on discharge, whichever first happens; and on foreign voyages, within three days after the cargo has been delivered, or within five days after discharge, whichever first happens. They are also entitled to one-third of the wages due at every port where the vessel unloads, unless there is a different agreement.

Crew, when paid.  
R. S., secs. 4529.  
4530.

**315.** The agreement must contain all stipulations as to allotment of wages. No advance of wages shall be made, or advance of security given, to any person but to the seaman himself or his wife or mother, nor unless the shipping agreement contains a stipulation for the same and an accurate statement of the amount thereof, nor unless the advance be given in the presence of the shipping commissioner. If any advance of wages is made, or advance security given in such manner as to constitute a breach of the above provisions, the seaman may recover his wages as if no such advance had been made or promised.

Advances and allotment.  
R. S., secs. 4531-4533.

**316.** No seaman shall, by any agreement other than is provided by this Title, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

Unlawful agreements.  
R. S., sec. 4535.

**317.** The form of proceeding in the adjustment of the differences between masters and seamen should be as simple and summary as the nature of the case and justice to the parties will allow. The complaint upon which any proceeding is founded should be verified by the oath of the person making the complaint. Due notice of the nature of the complaint and of the time of the hearing should be given to the adverse party and all other persons in interest.

Forms of proceeding.

**318.** On the day of the hearing, the defendant should be required to answer in writing, under oath, or he adjudged in default. At the hearing each party should have an op-

On the hearing.

portunity to cross-examine the witnesses produced by the other party, and to testify himself, on oath, if he wishes. The Consular Officer will render such summary judgment as the case may require, and may order that each party shall pay his own costs, or that one party shall pay all the costs, in his discretion. The costs shall be at the rates named in the tariff of fees, for any services coming within the tariff, and the costs and expenses of the process; but no hearing is to be extended beyond one day, unless absolutely necessary.

Application to authorities.

**319.** In countries with which the United States have treaty stipulations providing for assistance from the local authorities, Consular Officers are instructed that it is undesirable to invoke such interposition unless it is necessary to do so. In cases of arrest and imprisonment they will see, if possible, that both the place of confinement and the treatment of the prisoners are such as would be regarded in the United States as proper and humane. General forms for requests for arrest, detention, and release of seamen are given in Forms Nos. 31, 32, and 34. If a request for assistance is refused, the Consular Officer should claim all the rights conferred upon him by treaty or convention, and communicate at once with the Diplomatic Representative in the country, if there be one, and with the Department of State. When such requests are made in accordance with long-established usage, he should, when they are refused, make suitable representations to the proper local authority, and likewise advise the Legation and the Department.

## ARTICLE XIX.

### **Wrecked and Stranded Vessels, and Surveys.**

Duties under statute.  
R. S., sec. 4239.

**320.** Consular Officers, in cases where ships or vessels of the United States shall be stranded on the coast of their respective Consulates, are required by law, as far as the laws of the country permit, to take proper measures, as well for saving such ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved, with the inventory or inven-

tories, must, after deducting therefrom the expense, be delivered to the owner or owners. But no Consular Officer is permitted to take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof is present, or capable of taking possession of the same.

**321.** In the execution of the duties proscribed by this part of the act, every Consular Officer is instructed that all vessels, parts of vessels, and any portion of their cargo belonging to citizens of the United States, saved and brought into the Consular jurisdiction after being wrecked, or in consequence of any disaster at sea, are to be proceeded with in the same manner as if the vessel had stranded within the Consular jurisdiction; and if salvage be claimed and allowed by a competent tribunal, the remainder of the effects, or the proceeds thereof, if sold, shall be disposed of in the same manner as is directed in Article XXIII of these instructions respecting the estates of persons dying intestate; provided, in the case of salvage, that the court deciding the same shall permit the Consular Officer to receive the effects and remainder of the property after the salvage is paid.

**322.** In some countries chartered companies have the privilege of taking possession of all property wrecked; in others, it may be vested in particular magistrates or officers. In such cases the Consular Officer is not to interfere with the legal function of the proper officer, but he may ask leave, as the representative of the absent master or owner, or as his official adviser, if he be present, to assist at the taking of the inventory, the sale, and all other proceedings in relation to the property. It is his duty to protect the interest of the owner, and, if his reasonable requests are not complied with, to take the necessary evidence of the facts in the case, and transmit it to the Department of State.

**323.** When any American vessel is wrecked within his jurisdiction, the Consul is to give notice to the Department of State, naming the vessel and her owners or master, and giving the circumstances attending the loss. If there is an agent of the American underwriters in his jurisdiction, he will co-operate with him.

Proceedings as to property. **324.**..When there is no impediment from the laws of the country, all proceedings in relation to property wrecked are to be the same as those prescribed in the case of property of intestates, and so also with regard to the taking possession and disposing of whatever effects, whether wrecked, abandoned, or otherwise unrepresented within a Consulate, belonging to any citizen of the United States.

Restitution of property. **325.**..A Consular Officer is allowed to institute proceedings for the recovery of property in behalf of citizens of his own country, although they may be unknown to him; yet restitution cannot be decreed without specific proof of the individual proprietary interest.

Rescue from shipwreck. **326.**..Whenever a Consul shall receive authentic intelligence of the rescue from shipwreck of seamen or citizens of the United States by the master or crew of any foreign vessel, he will, without delay, transmit to the Department a statement of the facts, including the name of the master of the foreign vessel and of the country or port to which he may belong, and also the names of such of the crew as may have especially distinguished themselves. This statement will be laid before the President, who is expressly authorized by Congress to make suitable acknowledgments to the masters and crews of foreign vessels for their services in rescuing from shipwreck citizens and vessels of the United States. The Consul will state in his report the names of the passengers and crew who may have perished, and also of the survivors, and what disposition has been made of them. The statement of the Consul should be full and precise in details, and such as to enable the Department to determine the hazard incurred in the rescue, and to adjust the testimonial to the degree of merit shown by those taking part on the occasion. The provisions respecting such acknowledgments apply only to the masters and crews of foreign vessels, and not to those of American vessels.

Aid to shipwrecked crew. **327.**..He will promptly render such assistance as may be in his power to his shipwrecked countrymen, and institute, whenever it is practicable, energetic proceedings for the protection of their property; but this instruction gives no authority to incur any expense therefor in the expectation of its being defrayed by the Department of State, the ap-

propriation for the relief and protection of American seamen in foreign countries which is made by Congress not being applicable to any purpose except the relief of persons who are actually "seamen." Whenever it is necessary for the safety of the property, he will apply to the local authorities for assistance.

**328.** He will carefully collect and preserve all the papers and documents relating to the ship or its cargo, or to the passengers, and deliver them to the parties to whom they belong, or to the representatives of such parties, or, in the event of their death or non-appearance, he will transmit them to the Department of State. It is the duty of the Consul to ascertain, in all cases of wrecks in his district, what became of the register of the vessel, and whenever he can obtain it he should transmit it without delay to the Department of State, with his report of the circumstances of the wreck. The master may, however, retain one-half of the register if he is present. If, however, the wrecked vessel is subsequently sold to foreigners and repaired, and in any case where an American vessel is sold abroad to persons not citizens of the United States, one half of the register should be sent to the Department and one-half delivered to the new master or owner.

Papers to be preserved.

**329.** A Consular Officer is often applied to for the authorization of a survey of a vessel, as in the case of a wreck, or of the damaged or unseaworthy condition of the vessel. The general mode of proceeding in such cases is shown in Forms No. 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51. In case he is called upon to give certified copies of such documents, he may follow Form No. 52. If the vessel is in a sinking condition he may apply to the proper authority to know where she shall be grounded (Form No. 53).

Surveys.

**330.** After the estimate of damage, the master may endeavor to borrow on bottomry the necessary funds for repairs; and in case of inability to do so, he may be forced to sell the vessel. The proceedings in such cases are shown in Forms No. 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, and 67. If the necessary funds are procured, and a bottomry bond is given and acknowledged before the Consular Officer, Forms No. 68, 69, 70, 71, 72, and 73 may be used.

Bottomry and sale.

Forms.

**331.**..The Consular Officer will be careful to note that such of these forms as relate to unofficial documents, as well as those referred to in paragraph 383, are given for his general information and not as absolute guides in all cases. The Department assumes no responsibility for their correctness in any particular case in which they may be used.

Consuls and underwriters' agents.

**332.**..In cases of wrecks and surveys, a Consular Officer will, so far as may be consistent with the proper discharge of his own duties, co-operate with the recognized agent of American underwriters, if there be one at the port, and if the vessel or cargo has been insured in any company which the agent has authority to represent. It is not intended that such co-operation shall have the effect of superseding the Consular Officer in cases where the duties of the two Officers may be the same, but only that it shall embrace those matters, not conflicting with his public duties, in which his position and authority may properly be used to promote the interests of the underwriters. It is understood that in some instances instructions have been issued to resident agents to the effect that Consular certificates or authentications of surveys or estimates, and of the examination and surveys of damaged goods, are not regarded as essential; and that orders of survey are not required to be made through the medium of Consular Officers, or reports of surveys authenticated by them, except in cases where funds are to be raised on bottomry or respondentia. Consular Officers, however, are instructed that all surveys of vessels are to be inaugurated and conducted under their authority and supervision, and that when a master undertakes to conduct the proceedings without such sanction and authority, he is none the less liable for all lawful Consular fees and charges.

Consular fees.

**333.**..The proceedings of a Consular Officer in these respects will be determined by the provisions of law and treaty, the custom of the port, and the wishes and duties of the master of the vessel. If the services to be rendered in behalf of the ship or cargo are such as the Consular Officer is authorized by law or usage to perform, it is the duty of the master to apply to him for them; and the statute provides as a penalty for neglect or refusal to do so that the papers of the vessel shall be retained until the proper Consular fees

R. S., secs. 1718 and 4559-4563.

are paid. In certain cases it is the duty of the Consular Officer to order a survey, whether with the consent of the master or not.

**334.**..In countries with which the United States have treaties providing for the jurisdiction of a Consular Officer over wrecks, damages to cargoes, and salvage, it is his duty to exercise that jurisdiction for the protection of the interests of all concerned. Consular Officers should satisfy themselves of the extent of the authority granted by the treaty or acquired by established usage in these respects in their several countries, and should conform their proceedings thereto. It belongs to the master, as the representative of the owners of the vessel and cargo—except where otherwise provided by law—to decide whether he will call for a survey, and in the absence of a request from him a Consular Officer is usually not authorized to direct a survey to be made. If, however, the master neglects or refuses to apply for services which it is the duty of the Consular Officer by law or usage to perform, and obtains the services through other agents, he should be advised of the provisions of law respecting such neglect or refusal and of his liability for the payment of the Consular fees. Jurisdiction by treaty.

**335.**..By a royal decree of July 28, 1868, Consular Officers in the Spanish West Indies are authorized to direct all the operations of salvage in the cases of vessels of their nationality wrecked in their several jurisdictions, as representatives of the owners. The local customs officers are required to give all necessary assistance in saving the ship and cargo, and measures are to be taken between the two classes of officers for the custody and sale of the wreck and cargo and the collection of duties. In Spanish West Indies.

**336.**..Treaties affecting proceedings concerning wrecks have been made with Austria-Hungary, Belgium, Bolivia, Borneo, China, New Grauada, Dominican Republic, Ecuador, France, Germany, Greece, Guatemala, Hawaiian Islands, Hayti, Honduras, Italy, Japan, Lew Chew, Liberia, Madagascar, Mexico, Morocco, Muscat, Netherlands, Ottoman Porte, Paraguay, Peru, Salvador, Siam, Spain, Sweden and Norway, Tripoli, Tunis, and Venezuela. Treaties.

Provisions to be consulted. **337.**..Consular Officers will be careful to consult the text of these treaties in all cases in which they may have occasion to act under them. If the assistance stipulated for is refused in any case, or the treaty provisions are ignored in any respect, they will at once advise the Diplomatic Representative of the United States, if there be one in the country, and the Department of State.

## ARTICLE XX.

**Duties of Consular Officers in Respect of American or Foreign built Vessels Transferred to Citizens of the United States within their Jurisdiction.**

Property in such vessels. **338.**..The right of American citizens to acquire property in foreign ships has been held to be a natural right, independent of statutory law, and such property is no more nor less entitled to protection by the United States than any other property of an American citizen.

Treasury Regulations. **339.**..The existing General Regulations of the Treasury Department under the Customs and Navigation Laws (Customs Regulations, 1874) recognize the right of property in vessels of this character, and declare them to be entitled to the protection of the authorities and to the flag of the United States, although no register, enrollment, license, or other marine document prescribed by the laws of the United States can lawfully be issued to such vessels whether they are American or foreign built. The former practice of issuing sea-letters in the case of the purchase abroad of American or foreign vessels by citizens of the United States is no longer authorized, and will not be permitted.

Rights, how protected. **340.**..To enable, however, the owners of a vessel so situated to protect their rights, if molested or questioned, a Consular Officer, though forbidden by law to grant any marine document or certificate of ownership, may lawfully make record of the bill of sale in his office, authenticate its execution, and deliver to the purchaser a certificate to that effect; certifying, also, that the owner is a citizen of the United States. Before granting such certificate, the Consular Officer will require the tonnage of the vessel to be duly ascertained in pursuance of law, and insert the same in the description of the vessel in his certificate. (See Form No.



35.) These facts thus authenticated, if the transfer is in good faith, entitle the vessel to protection as the lawful property of a citizen of the United States; and the authentication of the bill of sale and of citizenship, will be *prima facie* proof of such good faith.

341.. The authority of a Consular Officer to authenticate the transfer of a foreign vessel is wide in its effects, and imposes great responsibility in making him, in the first instance at least, the sole judge of the good faith of the transaction. The question of the honesty and good faith of such a sale rises into the gravest importance in the event of a war between two or more powers, in which the Government of the United States is a neutral. In such a war experience justifies the expectation that the citizens or subjects of one or more of the belligerents will seek to protect their shipping by a transfer to a neutral flag. In some instances this may honestly be done; but the sales of the vessels of belligerents in apprehension of or in time of war are always and properly liable to suspicion, and they justify the strictest inquiry on the part of the belligerent who may thereby have been defrauded of his right to capture the enemy's property. The acceptance of the pretended ownership of a vessel under these circumstances may be very profitable, and the temptation to abuse his trust in such a case, to which a Consular Officer is subjected, may be too great for persons of ordinary integrity, discernment, and firmness to withstand. Instances are not wanting in which citizens of the United States who were wholly incapable, from their previous well-known condition and pursuits, of making such a purchase, have appeared as owners under sales of this character and have sought for them the protection of the Government.

342.. It is, accordingly, the duty of a Consular Officer to use all available means, especially during the existence of a war to which this Government is not a party, to satisfy himself that the sale of the vessel is made in good faith and without a fraudulent intent. A considerable discretion and responsibility rest upon him in the determination of the good faith of such transactions. It is not to be concluded that all such sales, even in time of peace, are honest and

free from collusion or fraud. It is the duty of the Consular Officer to notice all circumstances that throw doubt on the good faith of the transaction, or point to its fictitious character, and, if he is satisfied in this respect, to refuse to grant his certificate. On the other hand, he is not permitted to regard the mere fact of the sale of a vessel to an American citizen as any evidence of fraud. The presumption must be otherwise; and in the absence of any indication of dishonesty, a sale in the regular way, with the usual business formalities, is to be regarded as made in good faith.

Certificate when  
to be issued.

**343.** . When, however, the Consular Officer shall have satisfied himself, after the investigation with which he is charged, that the sale of the vessel is not fictitious, and is made in good faith, and that the purchaser is a citizen of the United States, it is his duty, when requested, to record the bill of sale in the Consulate, and to deliver the original to the purchaser, with his certificate annexed thereto, according to Form No. 35. A copy of the bill of sale, together with any other papers belonging to the transfer, and of the Consular certificate, should be sent without delay to the Department of State, with a report of the facts and circumstance of the transaction.

Right to fly the  
flag.

**344.** . The privilege of carrying the flag of the United States is under the regulation of Congress, and it may have been the intention of that body that it should be used only by regularly-documented vessels. No such intention, however, is found in any statute. And as a citizen is not prohibited from purchasing and employing abroad a foreign ship, it is regarded as reasonable and proper that he should be permitted to fly the flag of his country as an indication of ownership, and for the due protection of his property. The practice of carrying the flag by such vessels is now established. The right to do so will not be questioned, and it is probable that it would be respected by the courts.

Disabilities of  
such vessels.

**345.** . It should be understood, however, that such foreign-built vessels not registered, enrolled, or licensed under the laws of the United States, although wholly owned by citizens thereof, cannot legally import goods, wares, or merchandise from foreign ports, and are subjected in the coasting trade

to disabilities and exactions from which documented vessels of the United States are exempt.

**346** .On arrival from a foreign port, such undocumented foreign-built vessels, if laden with goods, wares, or merchandise, will, with their cargoes, be subjected to forfeiture. Forfeiture and tonnage duties. If in ballast only, or with passengers without cargo, they will be subject to a heavy tonnage duty. When in foreign ports they are also subject to tonnage and other Consular fees to the same extent as regularly-documented vessels. For instructions respecting the shipment and discharge and relief of seamen on vessels of this character, and the collection of extra wages, Consular Officers are referred to the several Articles on these subjects.

#### ARTICLE XXI.

##### **Duties as to American Vessels Engaged in the Transportation of Chinese and other Emigrants.**

**347** .It is made illegal by statute for citizens of the United States to participate with their vessels in the transportation of coolies, and the provisions of two obsolete acts were revived, and were made to apply to vessels of the United States engaged in the transportation of passengers from one port without the United States to another port without the United States. Consuls will at once report all violations of these statutes coming to their notice. It is understood that British courts at Hong-Kong have held that the traffic in coolies is the slave-trade in another form, and therefore piracy. The courts of the United States probably could not find justification in the statutes for adding it to the list of acts punishable as piracy; but the statute warrants this Department in urging upon Consuls to endeavor in every way to prevent it, not only by proceeding against every American citizen engaged in it, but by using their influence in every possible manner to prevent it. Transportation of Coolies prohibited.

**348** .The statute is not intended to apply to the free and voluntary emigration of Chinese subjects. Emigration to be voluntary.

**349** .It is made the duty of the Consular Officer of the United States residing at the port from which a vessel with such voluntary emigrants takes her departure to give to the Consule' duties.

master of such vessel a permit or certificate, containing the names of such persons, and setting forth the fact of their voluntary emigration from such port or place.

Evidence required. **350.**.. Such certificate will not be given until the Consular Officer has personally satisfied himself, by evidence produced, of the truth of the facts therein contained.

Consuls to inquire as to agreement.  
Act of March 3, 1875.

**351.**.. By a later statute it is also made the duty of a Consul, before delivering the permit or certificate above referred to, to ascertain whether the emigrant has entered into any contract or agreement for a term of service within the United States for lewd and immoral purposes, and if such a contract exists, to refuse to deliver the permit or certificate. The importation into the United States of women for the purposes of prostitution is forbidden, and all contracts relating thereto are declared void; and the attempt to hold them under such a contract is declared a felony. By the same act also it is made unlawful for persons who are undergoing a sentence for conviction in their own country of felonious crimes, other than political, or whose sentence has been remitted on condition of their emigration, or for women imported for the purposes of prostitution, to emigrate into the United States. Provision is also made for the return of such persons to the countries from which they came, and for proceedings against the vessel bringing them to the United States.

Rigid examination enjoined.

**352.**.. Consuls will be rigid in exacting a compliance with these provisions. It is not necessary to point out to Consuls how easily the crime of transporting involuntary emigrants may be veiled under the form of a voluntary emigration, nor to impress upon them the importance of rigid personal examinations of all such classes of emigrants, in order to insure that there shall be no violations of the law.

Admeasurement of vessels carrying Chinese.

**353.**.. Application is sometimes made to a Consul for a certificate showing the admeasurement of vessels engaged in transporting Chinese emigrants, in order to ascertain the number of passengers that may lawfully be carried. It is held that the responsibility of determining the legal number of emigrant passengers that his vessel may carry is devolved entirely upon the master, under Title XLVIII of the Revised Statutes, who is to ascertain the vessel's capacity in any manner he may see fit. The law makes no provision

for the issue of a certificate of such capacity by a Consular Officer to the master or owner of an American vessel in a foreign port, and applications for such certificates should be refused.

## ARTICLE XXII.

### Miscellaneous Duties in Regard to Seamen and Vessels of the United States and Immigration.

#### MANIFESTS.

**354**.. The statutes regulating the collection of duties on imports and tonnage, and relating to manifests, apply as well to vessels owned in whole or in part by foreigners as to vessels of the United States; and Consular Officers are therefore instructed to inform the masters of all vessels leaving their ports for the United States that they are required to produce manifests in accordance with the provisions of law to regulate the collection of duties on imports and tonnage. Manifests.

#### THE NATIONAL BOARD OF HEALTH AND BILLS OF HEALTH.

**355**.. The National Board of Health was established at Washington under the provisions of the act of Congress of March 3, 1879. It was charged with the duty of obtaining information upon all matters affecting the public health, and, in co-operation with the Academy of Science, of reporting to Congress a plan for a national public health organization, with special attention to the subject of quarantine, both maritime and inland, and especially as to the regulations which should be established between State and local systems of quarantine and a national quarantine system. National Board of Health.

**356**.. The act of June 2, 1879, for the prevention of the introduction of contagious or infectious diseases into the United States, enlarges the powers and duties of the Board, and imposes various duties upon Consular Officers towards accomplishing its object. It is thereby declared unlawful, under penalty, for any merchant-vessel, from any foreign port where such diseases exist, to enter any port of the United States, except in accordance with the provisions of the act and of the rules and regulations of the National Board of Health and those of the several States. It is Duties of Consular Officers.

obligatory upon all merchant-vessels, without regard to nationality, to obtain from the Consular Officer at the port of departure, or from the sanitary officer stationed there in accordance with the act, a certificate in duplicate setting forth the sanitary history of the vessel, and that it has in all respects complied with the rules and regulations for securing the best sanitary condition of the vessel, cargo, passengers, and crew. And it is required, before granting the certificate, that the Consular or Sanitary Officer should be satisfied of the truth of the statements of the certificate. A vessel sailing from a foreign port without such certificate and entering any port of the United States is liable to a fine of five hundred dollars. This certificate forms the bill of health, as given in Form No. 36.

Detail of officers.  
Rules and regula-  
tions.

**357.** Provision is also made for detailing medical officers and officers from the several Departments to serve in the Consular Office at any foreign port, for the purpose of making the inspection and giving the certificate required by the act, and of otherwise carrying out its provisions. The National Board of Health is to co-operate with the boards of health of the several States in the enforcement of the State regulations, and may, with the approval of the President, supplement the latter by additional regulations, if found necessary. And where the officers of a State fail or refuse to execute them, an officer may be detailed for the purpose of their enforcement. The Board is also authorized, with the approval of the President, to make such rules and regulations as may be necessary to be observed by vessels sailing from infected ports to ports of the United States, and to secure the best sanitary condition of the vessels, their cargoes, passengers, and crews. These rules and regulations are to be communicated to and enforced by Consular Officers.

Sanitary informa-  
tion.

**358.** For the purpose of obtaining information of the sanitary condition of foreign ports, Consular Officers at ports designated by the National Board of Health are required to make weekly reports in the form prescribed by the Board. It is made unlawful for a vessel arriving from a foreign port to enter a port of the United States or to land its cargo or passengers, except upon the certificate of the health officer at the quarantine station, that the rules and

regulations have been observed and complied with. And the master of a vessel is required to produce to the collector of customs the certificate from the Consular or Sanitary Officer at the foreign port, as well as that of the health officer of the port of entry in the United States.

**359.**.. Copies of the rules and regulations prescribed under the act, together with a copy of the act of Congress, are communicated to the Consular Officers at the ports designated by the Board. The forms of weekly reports, and copies of the rules to be observed in sending cable messages, and of the bill of health are likewise sent to those Officers. All of these documents will be found in Appendix V.

Documents and reports.

**360.**.. It is to be remarked that all the necessary expenses incurred under the provisions of the act are to be paid by the National Board of Health. A Consular Officer, therefore, is not authorized to include any part of these expenses in his accounts with the Government, but should transmit them to the Board at Washington. If the meteorological data required in the weekly reports cannot be obtained without expense, they may be omitted from the reports.

Payment of expenses.

**361.**.. The efficiency of the Board in so important a matter will be greatly promoted by a prompt, careful, and intelligent compliance on the part of Consular Officers at the designated ports with the statute and the rules and regulations prescribed in accordance therewith. They will take care that the masters of vessels sailing from their ports for ports in the United States are fully advised of the requirements which will be exacted on arrival in this country; that their reports are based upon full and trustworthy information, and that the inspections required to be made are such as to satisfy them as to the bills of health which they are to give.

Duties of Consular Officers.

**362.**.. The foreign ports at which the services of Consular Officers are required are designated by the Board, and the prescribed forms and regulations are transmitted to them through the Department of State. The weekly and other reports and cable messages from Consular Officers are sent directly to the office of the Board in Washington. The number of the designated ports may be expected to be increased or diminished as may from time to time be necessary. It is not intended, however, that Consular Officers at ports not

Designated ports.

so designated should be relieved from the duty of communicating to the Board whatever information would be valuable for the sanitary protection of the people of the United States. They will also continue, as heretofore, to issue bills of health, but in the form prescribed by the Board, and to advise the Health Officers at ports of the United States of the sanitary condition of their districts. If a master of a vessel refuses to take a bill of health, a Consular Officer is not authorized to detain the vessel or her papers, but he will be careful to report the facts both to the Board and to the Health Officer at the port of entry in the United States.

Consular and  
medical fees.

**363.** The fee authorized by section 6 of the act for the medical examination of persons on vessels bound from foreign ports to ports in the United States has been fixed as follows, viz: For fifty persons and under, \$5; from fifty to one hundred persons, for each ten additional persons or less, \$1; over one hundred, at the rate of \$5 for each additional hundred persons. The fee for the bill of health is \$2 50, being the same as heretofore prescribed. The fee for the indorsement on the bill of health required by Rule 3, and for the *visa* required by Rule 12, has been fixed at 50 cents. The fees and charges prescribed in this and the following paragraph (except the fee for the bill of health) are to be accounted for to the Board of Health, and not to the Treasury. The fee for the bill of health is to be accounted for in the Consul's quarterly fee report as for other official fees.

Inspections and  
expenses.

**364.** When it shall be necessary for Consular Officers to make inspections of ships under the instructions issued by the National Board of Health, they are authorized and instructed to pay all the expenses of such inspection, including boat-hire and the medical examination of passengers, officers, and crews, when necessary, out of the fund created by the charge for the examination of each person on the ship inspected, as provided for in the foregoing paragraph. They are also authorized to collect from the masters of the vessels, and to disburse, the actual cost of cleansing and disinfecting ships, when this becomes necessary, as provided for by the statute. A separate account should be kept of all fees received for the examinations and other services above



referred to, and should be transmitted quarterly to the office of the National Board of Health, and not to the Department of State.

#### PROTESTS.

**365.**..Consular Officers have the right, in the ports or places to which they are appointed, to receive the protests or declarations which such captains, masters, crews, passengers, and merchants as are citizens of the United States may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizens of the United States; and copies of such acts, duly authenticated by the Consular Officer under his official seal, are to receive faith in law equally as their originals would in all courts of the United States. The nature of these instruments will depend in each case upon the particular facts to be protested against. (For general forms see Nos. 37, 38, and 39.)

Protests.  
R. S., sec. 1707.

#### MUTINY AND INSUBORDINATION, AND THE TRANSPORTATION OF PERSONS CHARGED WITH CRIMES AGAINST THE UNITED STATES.

**366.**..If American seamen on board of a vessel of the United States either arrive at a port in a state of mutiny, or a mutiny occurs in port which cannot be quelled by the captain, and the captain cannot navigate his ship to the United States with the mutineers on board, the Consular Officer should, if the laws of the country permit, cause the mutineers to be confined and sent home for trial, unless, in his judgment, the ends of justice will be best subserved by discharging them, in view of unjustifiable cruelty of the captain, or other sufficient cause; and, in the latter case, he will be careful to report to the Department at length the reasons for his course. Mere insolent conduct towards the master, disobedience of orders, or violence committed on the person of the master, unaccompanied by other acts showing an intention to subvert his command as master, is not sufficient to constitute the offense of mutiny. And in a decision of the Supreme Court of the United States it was held that the offense consists in the crew of a vessel, or any one or more

Consuls' proceedings  
Parsons on shipping and admiralty.

1 Wheaton, 417.

of them, endeavoring to overthrow the legitimate authority of the commander with the intent to remove him from his command.

Insubordination to be discouraged.

**367.** It is made the duty of Consular Officers to discountenance insubordination by every means in their power, and to invoke the assistance of the local authorities when it can be done. But care should be taken not to confound a casual disobedience of orders, or insubordination, not endangering the authority of the master, with the crime of mutiny. For these offenses the master has the power to inflict adequate punishment. If the vessel is bound to the United States, and if the master is obeyed by a sufficient number of the crew to insure the safe navigation of the vessel, he should continue the voyage, if necessary confining the mutinous seamen on shipboard. The Consular Officer should not discharge the seamen unless that course is clearly justified by the circumstances. If the mutiny is of so grave a character as to endanger the safety of the vessel and to call for the punishment of the offenders, he may take from the vessel so many of them, to be sent to the United States for trial, as will relieve the master from reasonable fear. This power should, however, not be exercised for insufficient cause, nor in any case in which the evidence is not likely to afford good ground for conviction. When the mutiny has been provoked by intolerable cruelty or other sufficient cause, the Consular Officer may discharge such of the crew as he may deem necessary. In other cases, however, he should endeavor to so exercise the right to discharge as not to offer an inducement to fractious and insubordinate characters to incite disturbance or revolt for the purpose of obtaining a release from the ship. A form of certificate and of the Consul's decision in cases of insubordination is given in Forms Nos. 40 and 41.

Mutiny in a foreign port.

**368.** If a mutiny or grave offense has been committed on an American vessel in a foreign port, or within the jurisdiction of the foreign state, and the circumstances are deemed to call for the punishment of the offenders, the latter should be delivered to the Consular Officer to be sent to the United States, unless, in the case of seamen, he shall decide to discharge them from the vessel. He should request the aid of the local authority, if necessary, and if he is authorized to

do so by treaty or by the established usage of the place. Forms No. 31, 32, 40, and 41 may be used. It should be understood, however, that the Consular Officer is not authorized to exercise this jurisdiction, except under the provisions of treaty, or by usage, or through the courtesy of the authorities of the country who from motives of comity or reciprocity may be willing to deliver up the offenders.

**369.** In order to determine whether he shall detain or require detention, the Consul must inquire into, and in some sense judge and decide, the question of culpability. He must, of necessity, inquire in the usual way, that is, by hearing testimony, not as a judicial officer, but as Consul. As to judgment, that is, deciding whether to detain or not to detain, he must have large discretion. He need not detain men upon such suspicion of guilt as would justify an examining magistrate in holding to bail within the United States. There is no judge at hand to supervise the propriety of such detention by writ of *habeas corpus*, or to admit bail on motion. The Consul, in order to induce him to detain, may well require stronger probable cause of belief in guilt than an examining magistrate. He may do this in the interest of the party, and he may do it in the interest of the government, which must defray the expenses of the detention and custody of the party and of his conveyance to the United States.

Consul to determine.  
8 Op. Atty. Genl.,  
380.

**370.** When, however, mutiny or other grave offense against the laws of the United States shall have been committed on board an American vessel *on the high seas*, and without the jurisdiction of any state, it is the duty of the Consular Officer into whose district the vessel may come to take the depositions necessary to establish the facts in the fullest manner possible. If the circumstances demand that the offenders should be sent to the United States for trial, he may apply to the local authorities for means to secure and detain them while they remain in port; and in all cases where the vessel is not bound for the United States, he is directed to procure at least two of the principal witnesses to be sent along with the prisoners. And he will, at the same time, promptly transmit certified copies of all the depositions, together with a carefully prepared report of all

Mutiny on the  
high seas.

the facts and proceedings that may aid in establishing the guilt of the offenders, to the United States attorney for the district to which the prisoners are sent, and also a like report of the case to the Department of State.

General principles  
of jurisdiction,  
Dana's Wheaton,  
106, 107.

**371.** . . The general principle on which such offenses are exempted from the cognizance of foreign tribunals is, as stated by Wheaton, that the public and private vessels of every nation on the high seas, and out of the territorial limits of any other State, are subject to the jurisdiction of the State to which they belong. This jurisdiction, however, is exclusive only so far as respects offenses against its own municipal laws. It is accordingly otherwise with piracy and other crimes against the law of nations. It is asserted that a vessel while upon the high seas is to be regarded as a part of the country whose flag she bears, and that therefore all offenses and crimes against the laws of the country are cognizable by its tribunals alone; and that, as the municipal laws of a State provide for the punishment of offenders in its territory, whether foreigners or its own citizens or subjects, so also this cognizance embraces all persons, without regard to nationality, who have committed offenses against its laws upon its vessels when on the high seas. Whenever, therefore, jurisdiction over offenses or crimes so committed on American vessels is asserted and exercised, as has sometimes been the case, by the courts of a foreign country, it is the duty of the Consular Officer to protest against any and all proceedings, and to report the facts and circumstances to the Department of State and to the Diplomatic Representative of the United States, if there be one accredited to the country.

Expenses of detention and transportation.

**372.** . . The expenses incident to the removal of an offender from a vessel and his transportation to the United States are usually considerable in amount. In some instances it has been found necessary to employ a keeper for the prisoners; but such an outlay is justified only when the safe-keeping of the accused cannot be stipulated for in the contract with the transporting vessel, or there are other controlling reasons. Consular Officers, therefore, will be careful not to subject the Government to the expense of sending offenders to the United States, and of their imprisonment and trial in

this country, unless the offense is of an aggravated character and the evidence is such as to render it probable that a conviction can be obtained.

**373.** While masters of American vessels in foreign ports are subject, on the requisition of the Consular Officer, to convey distressed seamen to the United States, they are not obliged to take on board seamen or other persons charged with crime, to be brought to the United States for trial. No specific instructions can be given as to the amount a Consular Officer may agree to allow a master for transporting a prisoner; but the compensation should be reasonable. The amount may be left, by mutual agreement, to the determination of the Department of State, when all the circumstances shall have been presented after the arrival and delivery of the prisoner to the proper authorities.

**374.** All disbursements and expenses incurred by Consular Officers for the arrest, imprisonment, and transportation of persons accused of crime against the United States should be stated in a separate account and transmitted to the Department of State, supported by proper vouchers; and the draft therefor, when there is not sufficient funds in the Consulate, should be drawn upon the Secretary of State. No extra allowance will be made to salaried Consular Officers for the labor involved in these cases, but a reasonable amount will be granted to nonsalaried officers for taking the depositions and other services, if, upon a consideration of all the facts, such an allowance is deemed proper. The amount will be determined by the Department of State.

**375.** No allowance will be made to Consular Officers for expenses incurred in procuring the defense in any court of law of American seamen or of persons accused of crimes against the laws of the United States, or the laws of foreign countries, without the special permission or sanction of the Department of State.

#### DEPORTATION OF PAUPERS AND CRIMINALS TO THE UNITED STATES.

**376.** By the act of Congress of March 3, 1875, it is made unlawful for persons who are undergoing a sentence for conviction in their own country of felonious crimes, other than

Transportation not obligatory on ship-masters.

Accounts, how paid.

No allowance for legal services.

Deportation of paupers and criminals.

political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women imported for the purposes of prostitution, to immigrate to the United States. Provision is made for the inspection of a vessel, if there is reason to believe that such persons are on board, and for their detention, without permission to land, and their subsequent return at the expense of the vessel to the country from which they came. For violations of this statute the vessel is liable to forfeiture in the proper court of the United States.

Consuls' duties.

**377.** It has been seen with regret that in foreign countries municipal corporations, private societies for reforming offenders, directors of alms-houses, and even private individuals, have not been restrained by their governments from sending to the United States convicts, or discharged convicts, or lunatics, or idiots, or imbecile paupers, unable to maintain themselves. Consular Officers are enjoined to exert an active vigilance to prevent such acts. Should any vessel of the United States, within his jurisdiction, attempt to transport such persons to the United States, he will endeavor to prevent the master from doing so. Should a foreign vessel attempt to do so, he will by earliest mail notify the collector of the port in the United States for which such vessel is bound.

Consul may protest.

**378.** If a Consular Officer has reason to think that any person, society, or corporation, municipal or otherwise, in the country in which he resides, contemplate shipping paupers or criminals as emigrants to the United States, he will at once forcibly protest to the local authorities, and will also immediately notify the Diplomatic Representative of the United States (or the Consul-General, as the case may be) and the Department of State. Such an act is regarded by the United States as a violation of the comity which ought to characterize the intercourse of nations.

#### MORMON EMIGRANTS.

Increase in Mormon immigration.

**379.** The annual statistics of emigration show that large numbers of emigrants come to the United States every year from various countries of Europe for the avowed purpose of joining the Mormon community at Salt Lake, in the Terri-

tory of Utah, under the auspices and guidance of the emissaries and agents of that community in foreign parts. And this representation of the interests of Mormonism is understood to have lately developed unusual activity. The accessions to the Mormon community are largely drawn from the ignorant classes of Europe, who are easily influenced by the double appeal to their passions and their poverty, held out in the promise of their peculiar practices and of a home in the fertile region where the community has established its material seat.

**380.** A recent decision of the Supreme Court of the United States has determined that the polygamy of Mormonism is a violation of the laws of the United States respecting the crime of bigamy, the provisions of which are embraced in section 5352 of the Revised Statutes. It is believed that no friendly power will knowingly lend its aid to attempts made within its borders against the laws and Government of the United States, and that every consideration of comity should prevail to prevent the territory of a friendly state from becoming a resort or refuge for the misguided men and women whose offenses would be intolerable in the land from whence they come.

**381.** It has been deemed proper, accordingly, that the Diplomatic Representatives of the United States in Great Britain, Denmark, Sweden and Norway, Switzerland, Germany, Austria-Hungary, Italy, Belgium, the Netherlands, and France, from which such emigration is known largely to come, should be instructed to urge the subject upon the attention of the governments to which they are severally accredited, in the interest not merely of a faithful execution of the laws of the United States, but of the good order and morality which are sought to be promoted by all civilized countries. And, as it is desirable that they should be able to fortify the representations which they may have occasion from time to time to make, by a citation of the facts that may come to the notice of Consular Officers within their several jurisdictions concerning emigration of this character, the latter are enjoined promptly to communicate to them any information that may be obtained of the probable departure of any considerable number of Mormon emigrants,

Decision of the  
Supreme Court.

Instructions to  
Ministers in certain  
countries.

and of any facts which may be of service in the discharge of their duties in this respect. A similar report should also be made to the Department of State.

#### EMIGRATION PASSENGER LAW.

Violation of emigrant passenger laws.

**382.**.. It is the duty of all Consular Officers to report to the Department of State all violations by masters of vessels bound to any port in the United States or any Territory thereof of the statute regulating the transportation of emigrants between Europe and the United States.

#### MISCELLANEOUS DUTIES.

Various forms.

**383.**.. It has been customary to give to the Consular Officers a variety of forms, to aid them in their business intercourse with masters and seamen, which sufficiently explain themselves without the necessity of instructions. For declaration of a master in case of death or loss of a mariner, see Form No. 74; of same to correctness of log-book, see Form No. 75; of same to ship's bills for repairs, see Form No. 76; for certificate in case of deviation of voyage, see Form No. 77; for certificate of ownership of a vessel, see Form No. 78; for crew-list when required by port authorities, see Form No. 79; for order to pay seamen's wages at home, see Form No. 80; for master's acknowledgment to the same, see Form No. 81; for certificate of shipment of seamen, see Form No. 82; for master's agreement to increase wages, see Form No. 83; and for form to be used when shipwrecked seamen are picked up at sea and conveyed to any port, see Form No. 84. For form of an average bond, see Form No. 160. Forms for the authentication of signatures and certificate that an officer is qualified to administer oaths are given in Forms Nos. 88 and 89.

### ARTICLE XXIII.

#### **Estates of Citizens and Seamen Dying Without the United States.**

Provisions of statute.  
R. S., sec. 1709.

**384.**.. The following are the provisions of statute respecting the authority and duties of Consular Officers in relation to the estates of citizens and seamen of the United States



dying without the United States, viz: 1<sup>o</sup>. It is made the duty of a Consular Officer to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any vessel, who shall die within the Consulate, having there no legal representative, partner in trade, or trustee by him appointed to take care of his effects. He is directed to inventory the property, with the assistance of two merchants of the United States, or, for want of them, of any others he may choose. It is also his duty to collect the debts due the deceased in the country where he died, and to pay the debts due from his estate which he shall have there contracted. He is required to sell at auction, after reasonable public notice, the perishable part of the estate, and such further part as shall be necessary for the payment of the debts of the decedent, and the residue at the expiration of a year from the decease. The remainder of the estate is to be transmitted to the Treasury of the United States to be held in trust for the legal claimant; except that if at any time before such transmission the legal representative of the estate shall appear and demand the effects, the Consular Officer shall deliver them up, being paid his fees, and shall cease his proceedings.

**385**..2<sup>o</sup>. The Consular Officer is further required, for the information of the representative of the deceased, to notify the death in one of the gazettes published in the Consulate, and also to the Secretary of State, in order that the death may be made known in the State to which the deceased belonged. And he shall also, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

**386**..3<sup>o</sup>. When the deceased leaves, by any lawful testamentary disposition, special directions for the custody and management, by the Consular Officer, of the personal property of which he dies possessed in the country, the Consular Officer shall, so far as the laws of the country permit, strictly observe such directions. When the decedent appoints, by any lawful testamentary disposition, any other person than the Consular Officer to take charge of and manage the property, it shall be the duty of the latter, whenever required by the person so appointed, to give his official

Publication of  
death.  
R. S., sec. 1710.

When there is a  
will.  
R. S., sec. 1711.

aid in whatever way may be necessary to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen dies; and to this end it is made the duty of the Consular Officer to place this official seal upon all the personal property or effects of the deceased, and to break and remove such seal as may be required by such person, and not otherwise.

Effects of seamen  
on shipboard.  
R. S., secs. 4538,  
4539.

**387..4°.** When any seaman or apprentice belonging to or sent home on any merchant-ship employed on a voyage which is to terminate in the United States dies during the voyage, the master should take charge of all moneys, goods, and effects which he leaves on board; and if the ship touches or remains at a foreign port before coming to any port of the United States, it is his duty to report the case to the Consular Officer there, and to give such officer any information he requires as to the destination of the ship, and the length of the voyage. Thereupon such officer may, if he considers it expedient so to do, require the said effects, money, and wages, to be paid to him, and upon that being done, he shall give the master a receipt therefor (Form No. 85). The Consular Officer shall also indorse and certify upon the agreement with the crew the particulars of such delivery and payment. In case he does not require the delivery and payment, it is his duty to obtain from the master a statement of the seaman's account with the vessel, and transmit a copy thereof to the Department of State. If the ship is sold in a foreign port and the master has in his hands the effects, money, and wages of a deceased seaman, the Consular Officer may require them to be delivered to him.

Effects not on  
shipboard.  
R. S., sec. 4541.

**388..5°.** The foregoing paragraph applies only to property and effects of the seaman on board of the vessel. If such seaman or apprentice dies at any place out of the United States, leaving money or effects not on board of his ship, the Consular Officer at or nearest the place shall claim and take charge of such money and effects, and may sell all or any of them. The Consul must quarterly remit to the judge of the district courts of the ports from which the ships may have sailed, or the ports where the voyages terminate, all

moneys belonging to, or arising from, the sale of the effects, or paid as wages of any deceased seaman or apprentices which may have come into his hands (Form No. 86), and must render such accounts thereof as the district judge may require.

**389.** When, however, the deceased seaman was a foreigner, and was shipped in a foreign port, it is believed that the wages and effects should be delivered to the Consular Officer. The latter should make proper inquiries to find the relatives of the deceased, and may determine for himself to whom the wages and effects should be given. If no relatives are found, the wages and money arising from the sale of the effects should be remitted to the district judge, as above provided for.

Wages, &c. of a foreign seaman.

**390.** The foregoing provisions of statute assume that Consular Officers of the United States may collect and transmit the assets of deceased citizens. It should be understood, however, that they have no jurisdiction in regard to such property, unless it is permitted, and only so far as it is permitted, by the authorities of the country, or is accorded by established usage, or is provided for by treaty or the laws of the country. It is the duty of a Consular Officer to acquaint himself fully with the extent of his privileges and rights in this respect, and, if there be treaty stipulations, with the proceedings to be taken under them.

Jurisdiction.

**391.** By treaties with Austria-Hungary, Belgium, Germany, Italy, and the Netherlands (including the colonies), it is made the duty of the local authorities to advise the Consular Officer of the death of a citizen of the United States in order that the necessary information may immediately be given to the parties interested. In Germany, also, the Consular Officer may appear in person or by delegate in all proceedings, in behalf of the absent heirs or creditors, until they are duly represented.

Provisions of treaties.

**392.** Consular Officers in the Argentine Confederation may, when any citizen of the United States dies within their respective jurisdictions, intervene in the possession, administration, and judicial liquidation of his estate, conformably with the laws of the country. The proceedings in such case must be in the ordinary courts of the country, unless waived

Argentine Republic and Colombia.

by the local authorities. In Colombia a Consular Officer has the right to take possession of the effects of a deceased citizen, and to make inventories and appoint appraisers. In his proceedings he is required to act in conjunction with two merchants, chosen by himself, and in accordance with the laws of the United States and with the instructions he may receive from his own Government. The discharge of these functions, however, is not permitted in those States in which the local legislation prohibits it.

Costa Rica, Honduras, and Nicaragua.

**393.** By treaties with Costa Rica, Honduras, and Nicaragua, a Consular Officer is authorized to nominate a curator to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors, giving proper notice of the nomination to the authorities of the country. In Paraguay he may designate an executor or administrator, and may take charge of the decedent's property until this is done.

Morocco, Muscat, Persia, Tripoli, Tunis, and Turkey.

**394.** In Morocco a Consular Officer may take possession of the effects, in the want of a will, until the legal representative appears. If the heir is present, the property is to be delivered to him; and if a will appear, the property is to descend by it as soon as the Consular Officer shall have declared its validity. And in Muscat the Consular Officer may receive the property and send it to the heirs, after the payment of all debts due to the subjects of the Sultan. By treaty with Persia the effects are to be delivered to the family or partners; but if there be no relatives or partners, then to the Consular Officer, to be disposed of according to the laws of the United States. By treaty with Tripoli the property of a decedent is to be placed under the immediate direction of the Consular Officer, without interference from the government or the subjects of the country. And in Tunis the Consular Officer has the right to the possession of the effects without interference by the local government. In Turkey the Consular jurisdiction over the property of deceased citizens is conceded by established usage under treaty.

Peru.

**395.** By a recent treaty with Peru, a Consular Officer is made *ex officio* the executor or administrator of the property of citizens of the United States dying within his district,

and of that of his countrymen who die at sea, which may be brought to his district. He is required to make an inventory of the property conjointly with a local judicial officer, but the effects are to remain in his hands, with authority to sell the perishable part and to dispose of the remainder according to the instructions of his Government. If the deceased was engaged in business, the property is to be held for twelve calendar months, during which time creditors may present their claims. All questions between the Consular Officer and creditors are to be determined by the local laws; but if no claim is presented, the Consular Officer may close the estate and dispose of the effects and property according to the instructions of his Government.

**396.**..In San Salvador a Consular Officer has the right to nominate curators to take charge of the property, so far as the laws of the country will permit, for the benefit of heirs and creditors, giving proper notice of such nomination to the authorities of the country. He has the right to take possession of the personal and real estate. He is required to make an inventory conjointly with two merchants, and to publish the death in a newspaper of the country. It is his duty to collect all debts due the deceased in the country and to pay the debts due from him. He may sell the perishable part of the property, and such other part as may be necessary to pay the debts; but he is prohibited from paying any claim, not reduced to a judgment, for damages for any wrongful act of the deceased. When there is no Consular Officer present, the local authorities are to receive the property and to notify the nearest Consular Officer.

San Salvador.

**397.**..In China, Japan, Madagascar, Siam, Turkey, and other non-Christian countries, the property of decedents, both personal and real, is administered under the probate jurisdiction of the Consular courts in those countries, without interference in any respect by the local governments.

In non-Christian countries.

**398.**..The statutes of the United States above referred to, imposing duties upon Consular Officers respecting the property of citizens dying abroad, are held to relate wholly to personal property, and not to real estate. The exception in regard to non-Christian countries is necessarily incident to the peculiar laws and institutions of those countries as re-

Personal property alone concerned.

gards foreigners and the jurisdiction of the Consular courts established under the laws of the United States. In Christian countries the disposition of real property depends altogether upon the laws of the country, unless there be treaty stipulations conferring jurisdiction upon Consular Officers, or such jurisdiction is established by usage or local law. In the absence of these, the authorities of the country are alone competent to determine questions of inheritance and succession, and a Consular Officer has no right to intervene beyond a proper watchfulness of the proceedings in the interest of the absent legal representative.

Position of Consul.

**399.** A Consular Officer is, however, by the law of nations and by statute, the provisional conservator of the property within his district belonging to his countrymen deceased therein. He has no right, as a *Consular Officer*, apart from the provisions of treaty, local law, or from usage, to administer on the estate, or *in that character* to aid any other person in so administering it, without *judicial* authorization. His duties are restricted to guarding and collecting the effects, and to transmitting them to the United States, or to aid others in so guarding, collecting, and transmitting them, to be disposed of pursuant to the law of the decedent's State. It is, however, generally conceded that a Consular Officer may intervene by way of observing the proceedings, and that he may be present on the making of the inventory. In all cases where jurisdiction is not distinctly and by due authority conferred upon the Consul, it will be safer for him to confine his acts to the custody of the property and its preservation for the purpose of being surrendered into the hands of those who are legally entitled to it, but in such a way as not to involve him in legal liability to them.

Relations to be informed.

**400.** For the information of the representatives of the deceased, the Consul is directed to cause a notice of the death of every citizen of the United States, other than a seaman belonging to any ship or vessel, dying intestate within his Consular district, to be published in some newspaper of the country, and also to forward a like notice to the Department of State, that the same may be published in the State to which the deceased belonged; he will also communicate any information which he may have obtained re-

specting the residence of the family and friends of the deceased. This will be done in all cases. He is also required to make a quarterly return of both citizens and seamen to the Department of State, according to Form No. 121.

**401.** When the Consul is authorized to act, an inventory Inventory of effects. must be taken, in the first instance, of all the effects of the deceased, with the assistance of two merchants of the United States, or, for want of them, of any other two respectable persons. This inventory must be entered in the proper Consular record-book. A copy must also be sent to the Department of State.

**402.** In performing this branch of the Consular duty How made, appraisement. great attention is required. Merchants of the most respectable standing are to be selected as the assistants of the Consular Officer. Although appraisement is not mentioned in the act, Consular Officers are instructed to have the apparent value of every article affixed to it. In cases of partnership a Consular Officer should not attempt to exercise jurisdiction over the partnership property until the dissolution of the firm and settlement and liquidation of partnership debts.

**403.** If among the papers of the deceased are found any Evidences of debt. evidences of debts, although they may not be due in the Consular district, yet they are to be placed in the inventory for the information and security of individuals in the United States who are interested. The commercial books of the deceased are to be placed in the inventory, and particularly described, the number of pages that each of the said books contains being mentioned; and the Consular Officer will place a certificate, signed by himself, at the beginning and the end of each book, in such a manner as to prevent any addition being made to them. The letter-books of the deceased are comprehended in the term commercial books.

**404.** The Consular Officer is further directed to sell at Perishable property. auction such part of the estate as shall be of a perishable nature. All sales of the property of the deceased must be at auction, after reasonable public notice. In the execution of this duty, the Consular Officer is instructed to give the same previous notice that is directed by the laws of the country for the judicial sale of property in execution, and

at some public place; but whether it be required in judicial sales or not, the notice must be given in at least one of the newspapers of the place, if any be printed there, both in English and in the language of the country. No property shall be sold as being of a perishable nature until it has been viewed by two respectable merchants, and by them certified to be of that description.

Consul to collect  
and pay debts.

**405.** The Consular Officer will also collect the debts due to the estate of the deceased in the country where he died, and, with the amount thus collected, pay the debts which the deceased may have there contracted; but it has been decided that it is proper for him to decline to pay any claim, not reduced to a judgment, for damages on account of any wrongful act alleged to have been done by the deceased. If the proceeds of the sales, together with the funds of the estate in hand and those collected from debts due the deceased, should not be sufficient to liquidate the legal claims against the estate, the Consular Officer is authorized to dispose of any other portion of the personal estate which may be necessary for that purpose.

Foreign stocks,  
bonds, &c.

**406.** If among the effects of the deceased (the word "effects" being one of very comprehensive signification, and embracing property of every description, inclusive of debts due) are found certificates of *foreign* stocks, loans, or other property, the Consular Officer is directed to charge on the amount thereof such commissions as are authorized in the tariff of fees on the settlement of estates of American citizens; also to report the amount in his quarterly statement of fees, and, if a salaried Consular Officer, to hold the same subject to the order of the Treasury Department; but he is not to embrace in the inventory such personal estate as the deceased may have left in the United States, or beyond the Consular district. The Consular Officer, from the necessity of the case, acts as the collector of the effects within the Consulate; the provisions of law do not extend his power beyond this necessity. The personal estate of the deceased in the United States remains to be administered by the legal representative at home, according to the laws of the State or district to which the deceased belonged. Under the provisions of the statute the Consular Officer is to take posses-



sion of the personal estate left by any citizen of the United States, where the laws of the foreign country permit, which, of course, must be the personal estate left within the jurisdiction of such foreign country. He is only to collect the debts due to the deceased in the country where he died. In like manner, he is not to pay the debts due from the deceased at home, but only such debts as he shall have *there* (in the foreign country) contracted. If among the effects are found personal or family letters, not necessary to the settlement of the estate, or jewelry or other articles interesting or valuable as keepsakes to the relatives of the deceased, they should, in the absence of the heir or legal representative, be sent to the Department of State for transmission to the persons entitled to receive them.

**407.** In one year after the death of the intestate, the Consular Officer is also directed to transmit, through the Department of State, the remainder of the estate (after paying the debts and other lawful charges) to the Treasury of the United States, in money, to be holden in trust for the legal representatives; but if at any time before such transmission the legal representatives of the deceased appear, and demand the effects in the hands of the Consular Officer, the latter shall deliver them up, the fees being paid, and shall cease his proceedings. The Consular Officer should at all times be prepared, and he is expressly required, to deliver over the effects and papers of the estate in his possession at any stage of the proceedings, after deducting the fees and expenses, to any legal representative of the deceased, or appointed trustee, who presents unquestionable evidence of authority to act as such.

Disposal of assets.

**408.** In the execution of the duty prescribed by the preceding paragraph, the Consular Officer is instructed to keep a regular account of all moneys received, as well of effects sold as of credits collected, and all sums expended, taking duplicate receipts, expressing on what account the sums are paid, and numbering them regularly; one of the said duplicates is to be kept by the Consular Officer and the other delivered to the representative of the deceased, or transmitted to the Treasury Department if no representative appear.

Account to be kept.

**409.**.. He must also enter on his consular books a regular account between himself and the estate of the deceased, in which he shall enter to his own debit all the moneys and effects that come into his hands; and to his credit all the payments he may make; and, finally, the remainder that he may deliver over or remit, so as to close the account. A copy of this account shall be delivered to the representative of the deceased, and transmitted to the Fifth Auditor of the Treasury.

**410.**.. As soon as an estate shall be finally settled, so far as the Consular Officer is concerned, he shall give notice thereof to the Department of State, transmitting at the same time an itemized statement of the receipts and expenditures on account of the estate, and showing the amount in money, or the effects, which have been delivered to the representative of the deceased or sent to the Fifth Auditor, as the case may be.

**411.**.. If there should be several parties, each claiming to be the representative of the deceased, and demanding the effects, the Consular Officer must direct the parties to determine their rights before the proper judicial tribunals. But if there be no contention or litigation, or if a traveler or other transient person die with personal effects in hand, the Consul will take possession of them for transmission to the decedent's country. And when a citizen of the United States, not a seaman, dies on the high seas, whether on board an American or foreign vessel, and the effects of the deceased are brought within a Consular district, it is the duty of the Consular Officer to take charge of them, if they can be obtained. He should promptly report the circumstances of the case to the Department of State, informing it at the same time of the kind and amount of effects or money left by the deceased, and of his residence and the names of his relatives, if these can be ascertained. It is not unusual, however, in such cases, and if the members of his family or near relatives are with him while traveling, to allow them to take possession of the effects, and this course is often advisable.

**412.**.. In the case where, by a testamentary disposition of the deceased, some person other than the Consular Officer is appointed to take charge of and manage the property, the

latter has a right to require, before intervening officially, that the will should be *proved* so as to give it legal effect. If the decedent leaves a will intended to operate in the United States, it is the right of the Consular Officer and his duty, in the absence of adult heirs on the spot, to see to the safe keeping of the will and its transmission to the parties entitled.

**413.**.. The Department of State has sometimes been asked by Consular Officers for authority to employ the services of legal counsel in the settlement of the estates of decedents abroad. In the consular courts in non-Christian countries, and in the discharge of their probate jurisdiction, the employment of counsel has, in a few instances, been suggested by the Consular Officer sitting as judge, and the suggestion has been concurred in by the Department. In other countries it is doubtful that authority to employ counsel can be conferred by the Department, and such requests are uniformly refused. Counsel not allowed.

## ARTICLE XXIV.

### Miscellaneous Instructions.

#### MARRIAGES.

**414.**.. It is enacted that all marriages celebrated in the presence of any Consular Officer in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, are valid to all intents and purposes as if the said marriage had been solemnized in the United States. In the District of Columbia at the time of the passage of the act, males who had arrived at the age of twenty-one years, and females who had reached the age of sixteen, were held competent to marry; and every minister of the gospel, appointed or ordained according to the rights or ordinances of his church, whether his residence was within the District of Columbia or not, could be licensed to perform the ceremony. U. S., sec. 4082.

**415.**.. In all cases of marriage before any Consular Officer, the Officer shall give to each of the parties a certificate of such marriage, and shall also send a certificate thereof to the Department of State, there to be kept. Certificate to be given.

**416.**.. This certificate must be under the official seal and must give the names of the parties, their ages, places of birth and residence, the date and place when and where the ceremony was performed, and that the marriage took place before the Consular Officer giving the certificate. (Form No. 87.)

Performance of  
the ceremony.

**417.**.. The statute does not authorize the Consul to perform the ceremony. It is not to be supposed that Congress intended to authorize a Consul to perform the ceremony of marriage, or to countenance the doing of any act which would be or even seem to be a violation of the laws of the country in which he resides. Marriage is a contract which each State regulates for itself by its own laws. Inasmuch as rights of inheritance may depend upon the validity of marriages, Consuls cannot be too cautious in satisfying themselves, when their presence is asked at a proposed marriage, not only that the parties may lawfully intermarry according to the laws of the country in which the ceremony is to take place, but also that all requirements of law necessary to give validity to the marriage have been had. In no case should the Consul himself assume to perform the ceremony, unless authorized by the laws of the country to do so. The statute contemplates that the ceremony is to be performed in his presence, but it should be done according to local laws.

In non-Christian  
countries.

**418.**.. The foregoing considerations, however, are held not to apply to China, Japan, Madagascar, Siam, Turkey, the Barbary States, and other non-Christian and semi-civilized countries in which Consular courts are established. In those countries the Consular Officer will have to determine only whether the parties would be authorized to marry if residing in the District of Columbia. It is held, also, in respect to a Consular Officer in such countries that the right to perform the marriage is incident to the judicial office, and consequently that he may solemnize the ceremony if it is the wish of the parties that he should do so. It is deemed preferable, however, in such cases, where there is a duly qualified minister of a religious denomination whose services can be obtained, that the ceremony should be performed by him, and that the Consular Officer should confine himself to granting the certificate before mentioned.

7 Op. Att'y. Genl.,  
18.

## EXTRADITION OF FUGITIVE CRIMINALS.

**419**.. Consuls are sometimes charged with the duty of <sup>Extradition of</sup> making requisitions for the extradition of fugitives from justice, and provision has been made in the treaties with several governments for his authority in this respect. That authority, however, is confined in most of the treaties to superior or principal Consular Officers, and is operative only during the absence of a Diplomatic Representative, and in those countries in which the United States have no such representative. The statute also has provided for the Consular certification of copies of depositions, warrants, and other papers of extradition, and for their receipt as evidence on a hearing of the case in the United States. The words "superior or principal Consular Officer," as found in the treaties and statute, are held to mean a Consul-General, if there be one in the country, or, in his absence, a principal Consular Officer as distinguished from a subordinate officer. Applications for extradition are made, as a rule, by the Diplomatic Representative. In case a Consul is charged with such a duty, he may expect to receive instructions from the Department of State or from the Diplomatic Representative. In the absence of such instructions, a Consul is not authorized to take any part in the arrest and detention of a criminal.

R. S., sec. 5271.

## TAXES.

**420**.. Consuls are requested to inform the Department of State whether, in the countries in which they respectively reside, they are required to pay taxes of any description; and, if so, the rate and amount of such taxes. If in any country or city they are exempted from taxation, through courtesy, by law, or local regulation, they will communicate the fact, with a copy of the law or regulation, if such exist. They should remember, however, that in the absence of treaty stipulation, they have no right to demand exemption from local taxation. Such exemption is often conceded as a matter of courtesy or comity, especially from a personal tax; but it is more rarely that exemption is granted from payment of duties on their furniture, baggage, or other personal effects.

Taxes.

Duties on supplies.

**421.**.. They will also state whether any distinction is made in respect of taxation between Consuls who are permitted to trade or engage in business, and those who are prohibited from so doing. They should also be careful to inform the Department whether they are required to pay duties or other public charges upon supplies of stationery, flags, furniture, and other articles sent to them for official use. It is customary for this Government to admit free of duties and charges at its custom-houses all articles for the official use of the Consular Officers of foreign states, when similar privileges are granted to its officers. If these privileges are refused in any instance, the refusal should be reported to the Department of State for such proceedings as may be deemed proper.

#### RECOMMENDATIONS FOR OFFICE.

Recommendations for office, R. S., sec. 1751.

**422.**.. Consular Officers are forbidden to recommend any person for office under the Government of the United States, except for the subordinate positions in their several Consulates. They are prohibited by statute, without the consent of the Secretary of State previously obtained, from recommending any person, at home or abroad, for any employment of trust or profit under the government of the country in which they are located.

#### PUBLIC SPEECHES.

Public speeches.

**423.**.. Consular Officers are not allowed to allude in public speeches to any matters in dispute between the United States and any other government, nor to any matters pending in the Consulate. It is a still better rule to avoid public speeches when it can be done without exciting feeling in the community in which the officer resides. They will be particularly careful to refrain from unfavorable comment or criticism upon the institutions or acts of the government to which they are accredited; and it is deemed inadvisable for them to make any address abroad which is likely to be published in any other country than that where they officially reside.

## CORRESPONDENCE WITH THE PRESS.

**424.**..The statute prohibits a Consular Officer from corresponding in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States. It is held, however, that this prohibition does not extend to literary articles or subjects not connected with politics.

Correspondence  
with the press.  
R. S., sec. 1751.

## PERMISSION TO TRADE.

**425.**..Consular Officers whose salaries exceed \$1,000 a year are prohibited from engaging in business within their several districts. Those whose salaries are at that rate or less are allowed to trade. The additional prohibition provided for in the statute has been imposed only in rare instances. Those Officers whose compensation consists of the fees they receive for official services are also permitted to trade; and no restriction in this respect is placed upon Vice or Deputy Consular Officers, or Consular Agents. It has, however, been held to be unadvisable that Interpreters and Marshals of Consular courts and Consular Clerks receiving a salary should be allowed the privilege of trading, although exceptions have sometimes been made for good cause shown to the Department of State.

Permission to  
trade.  
R. S., sec. 1700.

## OFFICIAL CORRESPONDENCE AND BEARING ABROAD.

**426.**..Consular Officers ordinarily have no diplomatic position, and must not assume such unless specially instructed by the Department, or unless they are regularly presented in that capacity by a Diplomatic Representative of the United States on his leaving his post. They, therefore, cannot ordinarily correspond directly with the government of the country in which they reside.

Official corre-  
spondence, &c.

**427.**..In the absence, however, of a Diplomatic Representative, cases may arise in which a Consul may be required to correspond directly with the government. All such correspondence as well as all correspondence with the local authorities, and with their colleagues, should be conducted in a courteous and dignified manner.

**428.**.. They will endeavor to cultivate friendly social relations with the community in which they reside.

**429.**.. They will refrain from expressing harsh or disagreeable opinions upon the local political or other questions which divide the community within their jurisdiction. They are forbidden to participate in any manner in the political concerns of the country. In their despatches upon such subjects they will confine themselves to the communication of important or interesting public events, as they occur, avoiding all unnecessary reflections upon the character or conduct of individuals or governments; and they will not give publicity, through the press or otherwise, to opinions injurious to the public institutions of the country, or the persons concerned in their administration. It is at the same time no less their duty to report freely and seasonably to their own government all important facts which may come to their knowledge touching the political condition of the country, especially if their communications can be made to subserve or may affect the interests and well-being of their own country.

#### PRECEDENCE OF CONSULAR OFFICERS.

Precedence and rank.

**430.**.. The order of official precedence in the service is as follows: 1. Agents and Consul-General; 2. Consuls-General; 3. Consuls; 4. Commercial Agents; 5. Vice-Consular Officers; 6. Deputy Consular Officers; 7. Consular Clerks; 8. Consular Agents.

**431.**.. Agents and Consuls-General rank with commodores in the Navy, or brigadier-generals in the Army. Consuls-General also have the same rank.

**432.**.. Consuls and Commercial Agents rank with captains in the Navy, or colonels in the Army.

**433.**.. Vice-Consular Officers, Deputy Consular Officers, Consular Clerks, and Consular Agents rank with lieutenants in the Navy, or captains in the Army.

Precedence, how determined.

**434.**.. Consular Officers are entitled to enjoy the rank and precedence above stated. This precedence will be determined, among officers of the same rank, by the date of commission.



NEW INVENTIONS, DISCOVERIES, ETC.

**435.** If a Consul sees new inventions or improvements in machinery, which he thinks may be used, or new seeds or plants, which he thinks may be propagated with advantage in the United States, he will give the Department such information about them as may be within his reach. And in case of seeds or plants, he will, as opportunity offers to do so without cost, send specimens to the Department of Agriculture. Inventions, discoveries, &c.

**436.** He will communicate any useful and interesting information relating to agriculture, manufactures, population, and public works. In all that relates to scientific discoveries, to progress in the useful arts, and to general statistics in foreign countries, Consular Officers are expected to communicate freely and frequently with the Department, and to note all events occurring within their consular districts which affect beneficially or otherwise the navigation and commerce of the United States; the establishment of new branches of industry; the increase or decline of those before established; and communicate all the information which they may be enabled to obtain calculated to benefit our commerce and other interests, and the best means of removing any impediments that may have retarded their advancement. Agriculture, manufactures, &c.

**437.** Persons in foreign countries desiring to submit inventions of any kind to the consideration or examination of the Government of the United States, must address in writing the "Secretary of the Interior (Patent-Office), Washington, United States of America." They must give a description of the invention, and must state whether or not they expect, or intend to ask, any compensation whatsoever. No expense incurred in connection with the invention, or its presentation, will be considered as giving any claim whatever to compensation, or to indemnification. The Government of the United States will assume no responsibility whatever, whether for loss of time, for services, for expenses of any kind, for loss or injury to any models, drawings, or other things, or for any cause whatsoever in connection with the invention or its presentation, unless the same may have Patents.

been specially and distinctly authorized in writing, under the signature of the Secretary of the Interior, and in this case the responsibility of the Government will be limited to the amount named in his letter authorizing the same. No claim for indemnification or for compensation will be entertained, unless accompanied by such letter of the Secretary of the Interior as is above contemplated; and no indemnification or compensation will be allowed to any inventor, or other person presenting an invention, unless there be an appropriation by Congress authorizing such payment. No indemnification or compensation will be made in any case, unless the invention be adopted, or some advantage inures therefrom to the public service of the United States; and the Government of the United States, through its appropriate Department, will, in all cases, be the sole judge on these points.

#### INFORMATION AS TO LIGHT-HOUSES, BUOYS, SHOALS, ETC.

Light-houses,  
buoys, &c.

**438.** Consular Officers are expected to report all matters that may come to their knowledge affecting the navigation of waters in their districts, or that may be of public interest or advantage. All notices of the erection of new light-houses, removals or changes in those established, the discovery or survey of shoals and reefs, changes in channels, the fixing of new buoys and beacons, and all subjects that concern the interests of navigation, should be communicated promptly to the Department of State. If published notices are sent, two copies should be furnished; and if they are in a foreign language they must be accompanied by accurate and trustworthy translations.

#### IMPORTATION OF NEAT CATTLE AND THE HIDES OF NEAT CATTLE.

Neat cattle and  
hides.  
R. S., secs. 2493,  
2494.

**439.** The statute prohibits the importation of neat cattle and the hides of neat cattle from any foreign country. It is provided, however, that the operation of the prohibition may be suspended whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the

United States. He is required to make all necessary orders and regulations to carry the statute into effect, and to send copies thereof to the proper officers of the United States in foreign countries. The President also is authorized to suspend the operation of the statute, by proclamation, thirty days after which its provisions shall be inoperative. In connection with the provisions of this statute Consular Officers may expect, as heretofore, to receive notice of the orders and regulations issued by the Secretary of the Treasury, and of any proclamation by the President that may from time to time be made, in which their several countries are concerned.

**440.** When the importation of such cattle and hides is permitted, and invoices are submitted for certification, it is the duty of the Consular Officer to make careful inquiries as to the district from which they come and to satisfy himself that no contagious or infectious disease exists therein which could be communicated to cattle in the United States. If such disease is found to exist, he is authorized to refuse the Consular certificate, reporting the case without delay to the Department of State. If no disease is found, he will grant the certificate according to the usual form of invoice certificate.

Inquiry to be made before certifying invoices.

#### ABUSE OF GOVERNMENT POUCHES.

**441.** The frequent abuse of the pouches and dispatch-bags of the United States makes it necessary to call particular attention to the matter which hereafter will be permitted to be transmitted by these means.

Government pouches.

**442.** The following matter only may hereafter be transmitted by Consular Officers in Government pouches to the United States: 1st. Correspondence and packages addressed to the President or Vice-President of the United States, or to either of the Executive Departments of this Government, or the heads thereof, or to the Speaker of the House of Representatives. 2d. Letters, newspapers, and printed matter intended for either of the Assistant Secretaries, the Assistant Postmasters-General, or the Assistant Attorneys-General, or for any of the clerks of this Department. 3d. Invoices required by law to be transmitted to the United States 4th.

The private correspondence of the Consuls addressed as provided in paragraph 157.

VERIFICATION OF POWERS TO TRANSFER UNITED STATES STOCKS.

Transfer of United States stocks.

**443.**.. All powers of attorney in a foreign country for the transfer of any stock of the United States, or for the receipt of interest thereon, shall be verified by the certificate and seal of a Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, if any there be at the place where the same shall be executed. (See Form No. 88 for a general form for the authentication of a signature, and No. 89 for a certificate that an Officer is qualified to administer an oath.)

No fee for witnesses, &c.

**444.**.. But no fee is to be charged for witnessing the execution and taking the acknowledgment of assignments of registered bonds or stocks of the United States, or of powers of attorney to assign such bonds or stocks, or to collect the interest thereon; it being apprehended that such charges might affect the value of our securities abroad.

LETTERS UNCALLED FOR.

Unclaimed letters.

**445.**.. All letters except as below, addressed to the care or in the custody of Consular Officers, remaining uncalled for for a period of six months, are, on the first days of January and July in each year, to be forwarded directly to the Post-Office Department as dead letters. The packet should be securely sealed and addressed to the "Post-Office Department, Dead Letter Office, Washington, D. C.," and should be forwarded as other official matter. It should be accompanied by a letter of advice showing the number of the enclosures.

**446.**.. But letters intended for officers and seamen of the Navy in the Pacific and Asiatic squadrons, and letters intended for the crews of whaling vessels, may be retained one year before transmitting them to the Post-Office Department. Upon returning such letters an endorsement should be made on each, stating the reason for detaining it beyond the six months above prescribed.

**447.**.. Instances have occurred where dead letters returned from Consulates have been found opened, and where the

stamps have been detached. As the post-mark is frequently indistinct, the removal of the postage-stamp often deprives the Post-Office Department of the means of ascertaining where such letters were originally mailed, without opening them, which, under treaty stipulations, it has no authority to do with letters mailed in a foreign state.

**448.** Consuls are therefore instructed to take care that letters received by them are not opened by unauthorized parties, and that they are not despoiled of the stamps which they may bear on their arrival at their Consulates.

#### LETTERS DETAINED AT FOREIGN PORTS.

**449.** It is provided by statute that the Secretary of State may empower the Consuls of the United States to pay the foreign postage on such letters destined for the United States as may be destined at the ports of foreign countries for the non-payment of postage; and that the amount so paid may be credited in the account of the Consul with the Department of State. In carrying out this statute Consular Officers are instructed that they are authorized to state the amount paid for such postage in their postage account with the Department, but that it should be entered as a separate item, in order that upon its repayment by the Post-Office Department the proper appropriation may be credited.

Payment of postage.  
R. S., ec. 4014.

#### PRESENTS AND TESTIMONIALS FROM FOREIGN POWERS.

**450.** Consular Officers are forbidden by law from asking or accepting, for themselves or other persons, any presents, emolument, pecuniary favor, office, or title of any kind, from any foreign government. This statute is substantially the provision of the Constitution in this respect. It not unfrequently happens that Consular Officers are tendered presents, orders, or other testimonials in acknowledgment of services rendered to the subjects or the governments of foreign states. They are, however, prohibited from accepting them until authorized to do so by Congress, to which body all requests for permission to accept them are referred.

Presents and testimonials.  
R. S., sec 1751.

## CONSULAR UNIFORM.

Consular uniform,  
R. S., secs. 1226,  
1688.

**451.**..No uniform is now prescribed to be used by Consular Officers as such, and none is authorized by statute or regulation to be worn by them. The use of a uniform or official costume, unless previously authorized by Congress, is expressly prohibited to Diplomatic Officers. It is provided, however, that all officers who served during the rebellion as volunteers in the Army of the United States, and were honorably mustered out of the volunteer service, may bear the official title, and, upon occasions of ceremony, may wear the uniform of the highest grade they held in that service. They may also, on like occasions, wear the distinctive Army badge of the corps or division in which they served. These provisions are held to apply to Consular Officers whose service and discharge from the volunteer Army bring them under its terms. Apart from them, however, no authority now exists under which a Consular Officer may wear a uniform. The former regulations in this respect have been rescinded for many years; and while a uniform may under some circumstances be useful to a Consul, there is no authority to permit it to be worn, except as above provided for, and it is believed to be advisable that he should abstain from its use.

## CONSULAR OFFICERS ACTING FOR FOREIGN STATES.

Consuls acting or  
foreign States.

**452.**..Consular Officers are sometimes requested to discharge temporarily the duties of those of other countries during the absence of the latter from their posts, or for other reasons. It is usual as a matter of comity to accede to such requests, but they should not do so, unless under urgent circumstances, until permission has been granted by the Department of State. When a Consular Officer is performing the duties of a Consul of another country, he acts solely as the agent of the foreign government in the duties he may perform. He is responsible to it for their discharge, and that government alone is responsible for his acts in relation thereto. Such fees as he may receive for his services are not required to be accounted for to the United States, but he receives them subject to the regulations of the foreign government.

## DEPOSIT OF PUBLIC MONEYS.

**453**..No authority can be given to a Consular Officer Deposit of public moneys. under which he can be relieved of his liability for fees or other public moneys in his possession, deposited with banks or bankers other than the designated bankers of the United States. All such deposits are made at his own risk; and in the event of loss by failure or otherwise of the banks or bankers, the Department of State is without the power to relieve him from the necessity of making good the amount. Relief can be obtained only by an act of Congress.

## IRREGULAR USE OF CONSULAR TITLE AND SEAL.

**454**..Cases have been brought to the attention of the Irregular use of title and seal. Government in which Consular Officers have used their official title and the Consular seal in their private business transactions, and have, in some instances, signed themselves officially and affixed the official seal to notes, bills, bonds, or other personal obligations. The Government can assume and can be held in no liability for such obligations. Such proceedings are regarded as involving grave irregularity, and a Consular Officer known to offend in this respect will be removed.

**455**..On the other hand, it is known that Consular Officers, especially in the larger cities, are often solicited and importuned to indorse notes, bills of exchange, or in other ways to become responsible pecuniarily for American citizens or others, who have no personal claim upon them, but who seek them as persons who, from their position, are available for the purpose. Such transactions are not a part of the official duties of a Consular Officer. He is not authorized to lend money to indigent Americans or others, nor to incur expenses or liabilities for any persons except seamen of the United States, in the expectation of reimbursement by the Government. The frequency of such solicitations, and the embarrassment which is known to result to Consular Officers on complying with them, require that they should be protected against these importunities and difficulties. They are, therefore, cautioned not to take upon themselves the obligations incurred by transactions of the nature adverted Indorsements and loans.

to, and they will, at all times, be justified in refusing to do so.

Use of name as  
reference.

**456.** Consular Officers are also not unfrequently asked to allow the use of their names as references for business or other enterprises. They will refuse in all cases to permit such use of their names.

#### USE OF THE TELEGRAPH.

Use of the tele-  
graph.

**457.** The use of the telegraph at the expense of the Government is restricted to cases of urgency, and to those in which some injury to the public interests would result from delay. It is not permitted in the ordinary business of a Consulate, or in communicating with the Department, except when justified by the importance and urgency of the case, or when it is done under instructions from the Department. Applications for leaves of absence must be made by post, and when replies to such applications are requested to be made by telegraph, a sufficient reason must be given for the request.

#### CIRCULARS.

Issue of circulars,

**458.** Consular Officers sometimes have occasion to issue circulars intended to give information or directions to merchants, shippers, and others within their several districts, or for other purposes, and such circulars are occasionally required in carrying out the instructions they receive. When circulars are issued in consequence of special instructions from the Department of State, Consular Officers should be careful to follow the language of the instructions whenever it may be practicable. They should be prepared by the Consul-General, if there be one in the country, and copies should be sent to the Department. In other cases, drafts of all proposed circulars will be sent to the Consul-General, if there be one, for his approval, by whom they will be submitted to the Department; and if there be no Consul-General, they will be sent directly to the Department. In no case will such circulars be issued or circulated without the approval of the Department previously obtained.



## ALTERATIONS OF FORMS.

**459.**..The official Forms given in Appendix IX of these regulations are prescribed by the President under the authority of law, to be used in cases to which they apply. It is, therefore, not competent, and it is a grave irregularity for a Consular Officer to modify or change them in any respect to suit what he may conceive to be the requirements of the business of his district, or for other reasons. Consular Officers are at liberty, and are instructed, at all times to suggest to the Department of State any changes which they may deem necessary or proper, but they are not authorized to make alterations in the Forms not previously approved by the Department. This prohibition does not apply to exact translations, if it shall be necessary to use them, or to such as are provided for the general information of Consular Officers, as referred to in paragraphs 331 and 383.

Alterations of  
Forms.  
R. S., sec. 1752.

## DUTIES TOWARDS AMERICAN CITIZENS.

**460.**..The powers and duties of Consular Officers in regard to their fellow-citizens depend in a great measure upon the municipal law of the United States. No civil jurisdiction can be exercised by them over their countrymen without express authority of law, or by treaty stipulation with the State in which they reside, and no criminal jurisdiction is permitted to them in Christian states. They are particularly cautioned not to enter into any contentions that can be avoided, either with their countrymen or with the subjects or authorities of the country. They should use every endeavor to settle in an amicable manner all disputes in which their countrymen may be concerned, but they should take no part in litigation between citizens. They should countenance and protect them before the authorities of the country in all cases in which they may be injured or oppressed, but their efforts should not be extended to those who have been willfully guilty of an infraction of the local laws. It is their duty to endeavor, on all occasions, to maintain and promote all their rightful interests, and to protect them in all privileges that are provided for by treaty or are conceded by usage. If representations are made to the local authorities and fail

Duties toward  
American citizens.

to secure the proper redress, the case should be reported to the Consul-General, if there be one, or to the Diplomatic Representative, if there be no Consul-General, and to the Department of State.

## LEAVES OF ABSENCE.

- Leaves of absence.** **461.** In view of misapprehensions which from time to time have arisen concerning the statutory provisions applicable to leaves of absence, the following views and rulings are given in regard to several points not fully covered by the previous printed instructions and regulations of the Department: 1°. Leaves of absence are not cumulative. In case of leave not being asked or granted in any one calendar year, the term for which such leave might have been granted, cannot be added to the leave of a subsequent year.
- Compensation.** **462.** 2°. Although the time for which leave may be granted is discretionary, the time during which compensation may be paid, under the statute, is not discretionary. While, therefore, on good reason being shown for conceding it, the Department may grant leave for a longer time than the term named in the statute, such extension can carry with it no right to compensation beyond the time fixed by law.
- Leaves are of two kinds.** **463.** 3°. Leaves of absence are of two kinds—simple leave, and leave with permission to visit the United States. The character of the leave desired must be distinctly expressed in the application. Both classes of leave are subject to the statutory conditions explained above. In the case of leave being asked and granted to return to the United States, the term for which it is granted is computed from the day of the arrival in the United States to the day of departure therefrom on the return of the Officer to his post; but a reasonable time in addition is allowed for going to and returning from his place of residence, provided a visit to his residence is made, but not otherwise. The transit allowance mentioned in section 1742 of the Revised Statutes, and for which the allotted times are scheduled for different countries in these regulations (Paragraph 46), is a maximum allowance to cover delay through sickness or other unavoidable cause. While it is not contemplated on the one hand that the whole time so allotted shall be always employed in the transit, it

is on the other hand not permissible that an officer proceeding, on leave, to the United States in a shorter time than that given in the schedule, and returning to his post in the same way, can thereby accumulate or add time to the leave prescribed by the statute.

**464**..4°. The granting of a simple leave of absence does not give the right to return to the United States also. Should a Consular Officer desire to revisit this country, he must ask express permission to do so, in order to entitle him to the benefit of the statutory allowance. The Department reserves the right to judge of the sufficiency of the reasons which may be adduced, in the event of the return of an officer to the United States on simple leave, to justify such a step without express permission. Return to the United States.

**465**..5°. The concession, during leave of absence, of any transit time for travel other than to and from the United States is impossible under the statute.

LEAVES OF SUBORDINATE OFFICERS.

**466**..The foregoing rulings apply to all principal Consular Officers, but not (as regards compensation) to Consular Clerks, Interpreters, and Marshals of Consular courts, and not to Vice and Deputy Consular Officers, Consular Agents, or Office Clerks. No provision has been made by statute in regard to the temporary employment of persons to take the places of the latter classes of officers when absent from their posts, but it has been found preferable, when the principal Officer is at his post, to entrust the granting of leaves of absence to them, notice thereof being sent to the Department of State. When there is no principal Officer, the Vice-Consul or Vice-Commercial Agent should apply for leave in the same manner as the Consul or Commercial Agent, and should state the name of the person whom he desires to be left in charge of the office during his absence. The statute requires that Consular Agents should not absent themselves for more than ten days without leave first obtained; and, accordingly, when leave of absence is desired, formal application should be made to the Department, through the principal Consular Officer, or the Vice-Consular Officer, if in charge, to be transmitted, with his approval, to the Department. Leaves of subordinate officers.

R. S., sec. 1741.

person, approved by the principal Officer, to act during the absence should accompany the application. Requests for leaves of absence by Interpreters, Marshals, and Consular Clerks, should be addressed to the Department, and transmitted by the principal Officer of the post where the applicant is stationed; and if it is found necessary that the duties of Interpreter or Marshal should be performed temporarily by some other person in his absence, the name of such person should be communicated to the Department.

#### INVOICE OATHS IN GREAT BRITAIN.

Oaths to invoices  
in Great Britain.

**467.** In the United Kingdom of Great Britain and Ireland the practice has prevailed for many years of requiring the declarations to invoices to be taken before a local officer duly qualified to administer oaths, and it is known that the practice has resulted, in large measure, in securing the proper valuation of the invoiced goods, to the increased revenue of the United States. It has been observed, however, and has been made a ground of complaint to the Department, that the charge for administering these oaths is not uniform at the several Consular Offices. While the Department can claim no authority in relation to these charges, it ventures to suggest to Consular Officers the advisability of their being established at some uniform rate, if the consent of the Commissioners, or other officers who take the oaths, can be obtained. It is understood that the legal fee for the service is one shilling and sixpence for each of the triplicate or quadruplicate copies of the invoice. That rate will be acceptable to the Department, and a Consular Officer will be authorized to so inform the merchants doing business at his office, if no objection shall be made by the Commissioner before whom the declarations are made.

#### REGISTER OF AMERICAN CITIZENS.

Register of American  
citizens.

**468.** It is believed to be desirable, for many reasons, that principal Consular Officers should keep at their offices a register of all American citizens residing within their several districts. It is understood that such registers are in use at some Consulates, but no formal instruction hitherto has required it to be done. There is no authority under which registration can be made compulsory, but the obvious ad-

vantages to persons who may at any time need the services of a Consular Officer will suggest themselves. Consuls, therefore, will take care to make known that a register is kept, and invite all resident Americans to enter their names. No form of register is now prescribed, but it should show, as to native citizens, the date and place of birth, and last residence in the United States, and, as to naturalized citizens, also the date of naturalization, and the court by which the certificate of naturalization was granted. The register is, however, not intended to include the names of travelers or transient sojourners, but only those of such citizens as may have domiciled themselves, or are, for whatever reason, residing in the district. No fee will be charged for registration, nor for any service connected with it. A transcript of the register for each calendar year will be sent to the Department of State.

#### ANNUAL REPORT OF MARRIAGES.

**469.**..The transmission of copies of all certificates of marriage to the Department of State has already been provided for (paragraph 415), but only at such times as the marriage may take place. It is desirable, in addition, that a report should be made of all marriages celebrated in the presence of Consular Officers during the calendar year, and they will, therefore, prepare and send to the Department a statement of all marriages solemnized before them during each year ending December 31. Although there is no authority under which the births of children to American parents abroad are required to be reported to Consular Officers, it is advisable that the latter should inform the Department of such births occurring within their districts as may be made known to them.

Report of marriages,  
U. S., sec. 4082

#### LAWS RESPECTING THE AGE OF MAJORITY, MARRIAGE, AND LETTERS ROGATORY.

**470.**..In Appendix IV are inserted certain circular instructions to Diplomatic and Consular Officers in regard to the laws in force in the United States respecting the age at which persons attain their majority in the several States and Territories; those respecting births and marriages, and the stat-

Age of majority,  
&c.

utes in reference to letters rogatory for taking testimony in the United States. It is believed that the information contained in these instructions will be found useful to Consular Officers.

#### EXAMINATION OF TITLES AND OTHER UNOFFICIAL SERVICES.

**471.**..Consular Officers are frequently asked by their countrymen at home to examine titles, or do other services for them in a foreign land. It is sometimes even assumed that the parties making the requests have a right to such services. Consular Officers will treat all such requests courteously, and if they are unable to comply with them, will state the reasons clearly but unoffensively. They are at liberty to do such work for their countrymen for a private compensation, if it does not interfere with the performance of their official duties. If it does so interfere, they must refuse it.

General rule as to compensation.

**472.**..The general rule in regard to such services is, that a Consular Officer is entitled to the same fee that would be charged if the services had been performed by an attorney, notary, or other agent of the foreign country. The compensation should not, in any case, exceed that fee. In some cases, also, it is believed that it would be a hardship to demand it, as where the services are rendered in behalf of the widows and families of deceased soldiers or sailors of the United States, or where, from other circumstances the exaction would operate oppressively upon the applicant. It is expected that these considerations will have due weight with Consular Officers. In ordinary cases the amount is determined by the agreement of the parties. The Department does not intervene unless in cases of manifest injustice, although it reserves the right at all times to decide upon the fairness and propriety of any charge that a Consular Officer may make for such services, and to fix the amount to be paid, if there shall be reason to do so.

#### NOTARIAL ACTS.

R. S., sec. 1750.

**473.**..The statute permits Consular Officers, whenever they are required, or deem it necessary or proper to do so,

to administer to or take from any person an oath, affirmation, affidavit, or deposition; and also to perform any notarial act or acts, such as any notary public is required or authorized by law to do or perform within the United States. Such acts, in order to be valid and effectual, must be certified by the Consul under his hand and seal of office. The notarial seal prescribed in the Consular Regulations of 1874, to be used for notarial acts, is no longer required, the Consular seal being used in its stead.

**474**.. The laws of some of the States and Territories authorize Consular Officers to take the acknowledgment of deeds, to take depositions, affidavits, and to perform other acts, for use as evidence in such States and Territories, respectively. When called upon for any service not within the usual functions and competence of a notary public, according to the general law and usage of commercial nations, the Consul will be guided by the State or Territorial statute which empowers him to act in the premises. The powers and duties of a notary public are derived in a large measure from general usage, public law, and the custom of merchants. To some degree they are regulated by statute in most of the States, but not usually in such a manner as to restrict the exercise of the functions which otherwise appertain to the office. As a general rule, a notary public may take the acknowledgment of deeds, powers of attorney, agreements, leases, releases, assignments, bonds, mortgages, bills and contracts of sale, and protests, certify copies, and may take all forms of oaths, affidavits, and depositions.

Acknowledgments,  
&c.

**475**.. It sometimes happens that he is called upon by a State or Territorial tribunal to execute a commission for taking testimony. In these cases he may expect to be furnished with specific instructions by the court under whose commission he is to act, and should conform thereto with the utmost strictness.

Judicial commis-  
sions.

**476**.. This function is regarded as outside of the regular duties and responsibility of a Consular Officer. Where its exercise is offensive to the government of the country in which the Consul is located, he is recommended to procure the attestation of the judicial officer, who, by the local law, is competent to take and certify depositions, to be used in

foreign courts, and to accompany the same with his own attestation in the manner required by the instructions of the tribunal at whose instance he is called upon to act.

Consul acts un-  
officially.

**477.** It is to be understood that in such cases the Consular Officer does not act in his quality of an agent of the Federal Government, but simply as a citizen of the United States, whose local position and character render him available to his fellow-citizens for such services as might have been rendered by a private individual. He should make himself as useful as he can to his fellow citizens, without giving offense to the government which gives him his exequatur. But it must be understood in all such cases that he acts as a private citizen, and that the Government cannot in any way be made responsible for his acts.

Compensation.

**478.** The compensation or fee of a Consular Officer for performing a notarial service, executing a judicial commission, or letters rogatory, or the unofficial services referred to in paragraphs 471, 472, and 475, is not an official but a personal fee for which he is not responsible to the Government as for official fees, unless the service or a part of it is one for which a fee is prescribed in the Tariff of Fees. In that case, he must account to the Government for the fee prescribed in the tariff.

Record of notarial  
services.

**479.** It is deemed proper that a permanent record should be kept in each Consulate of all notarial services, and of the fees or compensation received therefor, and that a certified copy of the record should be transmitted to the Department of State. Many of these acts are concerned with the transfer of property and the execution of papers and instruments of importance. Questions are likely to arise at any time, which it is desirable that the Department should have the means of answering, either from the information on its files or in the records of the several Consulates. The form (Form No. 159) which has been prepared for this purpose shows the particulars which the record should contain, and also the form of Consular certificate to accompany it. If, in the execution of papers, witnesses are required, their names should be entered in the column of "remarks." This return will hereafter be required to be sent to the Department at the end of each quarter.



**480.** It is known to the Department that Consular Clerks of the United States have often been employed in the execution of notarial and other unofficial work, and it has sometimes been assumed that such work is a proper part of their duties in the Consulate to which they are assigned. It is held, however, to be otherwise. If, accordingly, a Consular Clerk is called upon to perform services of this character, he is regarded as entitled to such compensation as may properly be due to his work, and he is authorized to claim, and the Consul will be expected to allow to him, a reasonable share of the amount received by the latter for the services rendered.

Consular Clerks to be paid for notarial services.

**481.** Instances, more or less frequent, have come to the knowledge of the Department, in which, after a Consular Officer has performed unofficial services, as in the execution of a judicial commission, the examination of records, the prosecution of inquiries respecting estates, or other services for his countrymen, and has transmitted the result of his work, his account for services, as well as for expenses incurred, has remained unpaid, or has been refused payment. To prevent the recurrence of such cases hereafter, a Consular Officer who has performed these services may, if in the exercise of a wise discretion, and having regard to all the circumstances of the case, he shall deem it proper to do so, retain the papers in his possession until his proper fees are paid. He will, however, promptly notify the parties employing him of the completion of his work and of his readiness to transmit the papers or information on the payment of his fees; and in the event that payment is refused a full report of the case should be made to the Department. If a dispute arises as to the amount charged for the service, and no settlement can be reached, the Department will, on the submission of all the facts and circumstances, determine what shall be paid, or will give such instructions as may be deemed proper.

Unofficial work to be paid for before delivery.

ARTICLE XXV.

**Consular Fees.**

**482.** The President is authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official serv-

Official fees, how prescribed.  
R. S. sec. 1745.

ices, besides such as are expressly declared by law, in the business of the several Consulates and Commercial Agencies, and to adapt the same, by such differences as may be necessary or proper, to each office; and it is made the duty of all Consular Officers to collect for such official services such, and only such, fees as may be prescribed for their respective offices.

No additional fee allowed.  
R. S., sec. 1716,  
723, 1724.

**483.** When a fee is fixed in the tariff of fees for any particular act or service, no additional fee is to be demanded for signature, attestation, or affixing the seal of office. In regard to the verification of invoices, a penalty is provided for charging for blank forms, advice, or clerical services in the preparation of the declaration or certificate, or for receiving any fee greater than that authorized by law. And if a Consular Officer collects, or knowingly allows to be collected, any other or greater fees than are allowed by law, for any service, he is liable in treble the amount of the unlawful charge, besides the liability to refund it. In such a case, the Secretary of the Treasury is authorized to retain the amount of the overcharge out of the compensation of the Consular Officer. If a Consular Officer who receives a salary omits to collect any fees which he is entitled to charge for any official service, he is liable to the United States therefor, as if he had collected them, unless they shall be remitted, on good cause shown, by the Secretary of the Treasury.

Shipmaster to apply for services.  
R. S., sec. 1718.

**484.** Whenever any master or commander of a vessel of the United States has occasion for any Consular or other official service which any Consular Officer is authorized by law or usage officially to perform, and for which any fees are allowed by the rates or tariffs of fees, he shall apply to the Consular Officer at the Consulate or Commercial Agency where such service is required, to perform such service, and shall pay to such officer the fees allowed for such service by the rates or tariffs of fees. And every such master or commander who omits to do so shall be liable to the United States for the amount of the fees lawfully chargeable for such services when actually performed. All Consular Officers are authorized and required to retain in their possession all the papers of such vessels, which shall be deposited with

them as directed by law, till payment shall be made of all demands and wages on account of such vessels.

**485.** American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, are not required to pay fees to Consular Officers for more than four trips in a year. The fees referred to are the tonnage fees provided for in Fees 80 and 81 of the Tariff, and for granting Forms Nos. 13 and 14. These fees are payable by each vessel on the first four trips in each calendar year. It is usual to require their payment to the Consular Officer at the foreign port where the principal offices of the steamship company or owners are located. They are not to be exacted at other Consular Offices on the route, whether within or without the same allegiance. Such vessels, however, are not exempted from the payment of Consular fees, other than tonnage fees, for official services performed for them, or from the requirement to deposit the ship's papers at each port where an arrival is made.

Fees on American vessels in certain cases.  
R. S., sec. 1720.

**486.** Consular Officers are prohibited from collecting tonnage fees for any services, actual or constructive, rendered any vessel owned and registered in the United States that may touch at a Canadian port. This statute, however, is held not to relieve the master from the provision of law which requires the deposit of the vessel's papers with the Consular Officer.

On vessels in Canada.  
R. S., secs. 1722, 4222, 4309.

**487.** All Consular fees are to be collected in the coin of the United States, or at its representative value in exchange. The word coin includes both gold and silver coin. They are to be collected at the time when the service is performed, and Consular Officers are not authorized to give credit for their payment.

Fees to be paid in coin, &c.  
R. S., sec. 1746.

**488.** Tables showing the values of foreign moneys of account in United States money of account, and for reducing United States gold coin to English and French currency, and other currency tables, will be found in Forms Nos. 148, 149, 161, and 162.

Currency tables.

**489.** All acts or services for which a fee is prescribed in the Tariff of Fees are to be regarded as *official* services, and the

Official fees defined.

fees received therefor are to be reported and accounted for to the Treasury of the United States, except when otherwise expressly stated therein.

Receipts to be given.

**490.** Receipts must be given for all fees, whether official or unofficial, expressing the service for which they are received, and must be numbered consecutively, except those for certifying invoices, beginning with No. 1 at the commencement of the period of the Consul's service; and again commencing with No. 1 on the first day of January in each year.

Reports of official fees to be sworn to. R. S., sec. 1728.

**491.** Every Consular Officer, in rendering his account of fees received, shall furnish a full transcript of the register which he is required to keep, and make oath that to the best of his knowledge the same is true, and contains a full and accurate statement of all fees received by him or for his use, for his official services as such Consular Officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the Consular Officer is located. These accounts are rendered quarterly to the Fifth Auditor of the Treasury on the prescribed Forms.

Invoice fees.

**492.** The fees for the certification of invoices should be numbered separately, beginning with the calendar year, and a corresponding number placed on the receipt. They must, however, be entered at length on the fee-book furnished by the Department of State, so as to complete the returns in accordance with Forms Nos. 101 and 102.

Returns to be made quarterly. R. S., sec. 1734.

**493.** The returns of fees must be made, in the manner hereafter indicated, without fail, *at the close of each quarter*. If no fees are received in any quarter, that fact should be reported on the prescribed Form under oath. The statute declares a Consular Officer guilty of embezzlement and disqualifies him from holding any office of trust or profit under the United States, who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or to pay over any balance of such moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter.

Tariff of fees to be given. R. S., sec. 1731.

**494.** It is the duty of all Consular Officers at all times to keep posted up in their offices, in a conspicuous place, and

subject to the examination of all persons interested therein, a copy of such rates or tariffs of fees as shall be in force.

**495.** The official fees prescribed in the tariff are to be regarded as in full for the services to which they relate, and they include the furnishing of blank forms, their preparation and execution. A Consular Officer is forbidden to charge any greater fee than that prescribed, whether for supplying the forms, filling them up, preparing and executing them, or otherwise. Fees are in full for services.

**496.** The following is the revised tariff of official fees, prescribed by order of the President, and to be observed by all Consular Officers: Tariff of official fees.

TARIFF OF FEES.

*Acknowledgments.*

Acknowledgments.

- |   |         |
|---|---------|
| 1. Of the master to bottomry-bond, with certificate under seal (Form No. 69).....   | \$1 00  |
| 2. Of the master to a mortgage or mortgage bill of sale of vessel.....  | 1 00    |
| 3. Of the master to an order for payment of seamen's wages, at home, including making up the order if required (Forms Nos. 80 and 81).. | 1 00    |
| 4. Of assignment of bottomry-bond (Form No. 71).  | 1 00    |
| 5. Of the vendor to a bill of sale of vessel.....   | 1 00    |
| 6. Of power of attorney to transfer United States stock (Paragraph 444).....  | No fee. |

*Authenticating copies of papers.*

Authenticating copies.

- |  |      |
|--|------|
| 7. Of advertisement for funds on bottomry (Form No. 56).....   | 1 00 |
| 8. Of inventories and letters, or either, of master (Form No. 62).....   | 1 00 |
| 9. Of marine note of protest (Form No. 37).....  | 1 00 |
| 10. Of extended protest (Form No. 38).....   | 1 00 |
| 11. Of account of sales of vessels, cargo, provisions, and stores, or either (Forms Nos. 57 and 65)...                                     | 1 00 |
| 12. Of call, warrant, and report of survey on vessel, hatches, cargo, provisions, and stores, or either (for example see Form No. 52)..... | 1 00 |

Authenticating  
signatures*Authenticating signatures.\**

13. To average bonds (Form No. 160).....	\$1 00
14. To estimate of repairs of vessels (Form No. 51).....	1 00
15. To (auctioneer's) account of sales of vessel or cargo, provisions, or stores (Forms Nos. 63 and 64).....	1 00
16. To reports of survey on vessel or cargo, provisions, or stores (Forms Nos. 45 and 49).....	1 00
17. Of forms of application for arrears of pay of bounty of deceased or disabled soldiers.....	25
18. For authenticating all the vouchers and other papers necessary for drawing a pension.....	50

## Certificates.

*Certificates.*

19. To bill of health (Form No. 36).....	2 50
20. To indorsement of bottomry on ship's register (Form No. 72).....	1 00
21. To ditto on payment of bottomry on ship's register (Form No. 73).....	1 00
22. To ditto of new ownership on ship's register (Form No. 78).....	1 00
23. To canceling ship's register (Form No. 67).....	1 00
24. To value of foreign currency in triplicate (Form No. 144).....	1 00
25. Debenture certificate, including oaths of master and mate, and the complete execution of the certificate (Form No. 151).....	2 50
26. For the medical examination authorized by the act of June 2, 1879, "To prevent the introduction of contagious or infectious diseases into the United States": For fifty persons and under, \$5; from fifty to one hundred persons, for each ten additional persons or less, \$1; over one hundred, at the rate of \$5 for each additional hundred persons, to be accounted for to the National Board of Health (paragraph 363).	

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\* When it is possible to embrace several signaturees in one certificate, the Consul will do so; and but one fee will be charged for each certificate.

27. To decision and award, in cases of protests against masters, passengers, or crew (for example see Form No. 41).....	\$5 00
28. To the deposit of a ship's register and papers when required by custom-house authorities...	1 00
29. In cases of vessels deviating from the voyage (Form No. 77).....	1 00
30. To invoice of breeding-animals (Form No. 66)...	2 50
31. To invoice of works of art, the production of American artists (Form No. 156).....	2 50
32. To manifest of fish, oil, bone, &c. (Form No. 158).....	2 50
33. To a vessel's manifest.....	2 50
34. To the purchase of foreign-built or American vessel abroad (Form No. 35).....	2 50
35. To the examination required by section 2162 of the Revised Statutes, for each emigrant (Art. XXI).....	25
36. To invoice, including declaration in triplicate (Form No. 140).....	2 50
37. To invoice of goods not exceeding \$100 in value, in British North American Provinces (Form No. 140).....	1 00
38. To place of birth of emigrants, and only when desired by them.....	25
39. For marriage certificate (Form No. 87).....	1 00
40. To appointment of new master, including oath of master (Form No. 19).....	2 00
41. Given to a master at his own request (for example see Form No. 23).....	1 00
42. To the ownership of a vessel (Form No. 78).....	1 00
43. To a seaman, of his discharge (Form No. 18)....	No fee.
44. To master to take home destitute American seamen (Forms Nos. 24 and 25).....	No fee.
45. To conduct of crew on board, in cases of refusal of duty and in cases of imprisonment, &c. (Form No. 40).....	2 00
46. To roll or list of crew, when required by the captain or authorities of the port (Form No. 79)...	1 00

## Declarations and oaths.

*Declarations and oaths.*

47. Declaration and oath of master to one or more desertions, including oaths, attached to crew-list and shipping articles (Form No. 33).....	\$0 50
48. To one or more deaths or losses of seamen overboard at sea, including oaths attached to crew-list and shipping-articles (Form No. 74).....	50
49. To ship's inventories or stores (Form No. 59)....	50
50. To the correctness of log-book (Form No. 75)...	50
51. To ship's bills and vouchers for disbursements and repairs (Form No. 76).....	50
52. To the animals, vehicles, and goods of an emigrant, including certificate (Form No. 93)....	50
53. When seamen are picked up at sea (Form No. 84). No fee.	

## Consuls' orders and letters.

*Consuls' orders and letters.*

54. To send seamen to hospital (Form No. 22).....	No fee.
55. To send seamen to prison (Form No. 31).....	1 00
56. To release seamen from prison (Form No. 32)....	1 00
57. To authorities or captain of the port, in cases of sinking vessels (Form No. 53).....	1 00
58. Requesting the arrest of seamen (Form No. 34)..	1 00
59. Notice to master of result of examination on complaint of crew (Form No. 28) .....	1 00
60. Warrant of survey on vessels, hatches, cargo, provisions, and stores, or either (Forms Nos. 43 and 47) .....	1 00
61. Notifying surveyors of their appointment .....	1 00
62. For any other letter or order of like character..	1 00

## Passports.

*Passports.*

63. For issuing a passport (Forms Nos. 9 and 11):...	5 00
64. For visaing a passport (Form No. 10).....	1 00

## Protests.

*Protests.*

65. For noting marine protest (Form No. 37).....	2 00
66. For extending marine protest (Form No. 38) ....	3 00
67. And if it exceed two hundred words, for every additional one hundred words.....	50



68. Protost of master against charterers or freighters  
(Form No. 39)..... \$2 00

*Estates of deceased American citizens.*

Estates of deceased citizens.

69. For taking into possession the personal estate of any citizen who shall die within the limits of a Consulate, inventorying, selling, and finally settling and preparing or transmitting, according to law, the balance due thereon, five per cent. on the gross amount of such estate. If part of such estate shall be delivered over before final settlement, two and one-half per cent. to be charged on the part so delivered over as is not in money, and five per cent. on the gross amount of the residue. If among the effects of the deceased are found certificates of foreign stocks, loans, or other property, two and one-half per cent. on the amount thereof. No charge will be made for placing the official seal upon the personal property or effects of such deceased citizen, or for breaking or removing the seals.—(Art. XXIII.)

*Recording documents.*

Recording documents.

70. Appointment of new master (Form No. 19)..... 50  
 71. Average bonds, when required, for every one hundred words or less (Form No. 160) ..... 50  
 72. Bill of sale, when required, for every one hundred words or less..... 50  
 73. Certificate given to master at his own request, when required (Form No. 23)..... 50  
 74. Consul's letter to captain of port, or authorities, in cases of sinking vessels (Form No. 53) ..... 50  
 75. Order and Consul's certificate to pay seamen's wages at home (Forms Nos. 80 and 81)..... 50  
 76. Powers of attorney, when required, for every one hundred words or less ..... 50  
 77. Protests of masters and others, other than marine protests, for every one hundred words or less ..... 50

78. Calls of survey on vessel, hatches, cargo, provisions, and stores, or either; warrants and reports thereof; estimates of repair; certificates of Consuls to advertisements for funds on bottomry, and of sale of vessel; inventory of vessel, cargo, provisions, and stores; letter of master to Consul notifying sale of vessel, cargo, provisions, and stores, or either; letter of master to auctioneer, and account of sales of vessel, cargo, provisions, and stores, or either, for every one hundred words or less of any document required to be recorded, except Consul's certificate to masters taking home American seamen. \$ 50
79. Any other document or instrument of writing not herein named or enumerated, prepared in or out of the Consulate, and required to be recorded, for every one hundred words or less... 50

*Receiving and delivering ship's papers.*

Receiving and delivering ship's papers.

80. For receiving and delivering ship's register and papers, including Consular certificates as prescribed in Forms Nos. 13 and 14, one cent on every ton, registered measurement, of the vessel for which the service is performed, if under one thousand tons; but American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay tonnage fees for more than four trips in a year; and tonnage fees shall not be exacted from any vessel of the United States touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless some official service required by law shall be performed..... 01
- 81 And for every additional ten over one thousand, one-half of one cent.....  $\frac{1}{2}$

Shipping or discharging seamen.

*Shipping or discharging seamen.*

82. For every seaman who may be discharged or shipped, including the certificates or acknowl-

edgments thereof attached to crew-list and shipping-articles, to be paid by the master of the vessel (Forms Nos. 16, 17, and 82)..... \$1 00

*Filing documents in Consulate.*

Filing documents  
in Consulate.

83. Consul's certificate to advertisement for funds on bottomry (Form No. 56).....	25
84. Inventories of vessels, cargo, provisions, and stores, or either (Form No. 58).....	25
85. Estimate of repairs of vessel (Form No. 50)....	25
86. Advertisement of sale of vessel, cargo, provisions and stores, or either (Form No. 57).....	25
87. Letter of master notifying Consul of sale of vessel, cargo, provisions, and stores, or either (Form No. 60).....	25
88. Of master notifying auctioneer of sale of vessel, cargo, provisions, and stores, or either (Form No. 61).....	25
89. Accounts of sale of vessel, cargo, provisions, and stores, or either (Form No. 63).....	25
90. Calls of survey on vessel, hatches, cargoes, provisions, and stores, or either (Form No. 42)..	25
91. Warrants of survey on vessels, hatches, cargoes, provisions, and stores, or either (Form No. 43)-	25
92. Reports of survey on vessels, hatches, cargoes, provisions, and stores, or either (Forms Nos. 44 and 48).....	25
93. For filing any other document prepared in or out of the Consulate.....	25

*Miscellaneous services.*

Miscellaneous  
services.

94. For the indorsement on the bill of health, required by Rule 3 of Rules and Regulations of the National Board of Health, and for the <i>visa</i> required by Rule 12 to be accounted for to the Board of Health (paragraph 363).....	50
95. For attending an appraisalment of goods or effects daily.....	5 00
96. For attending valuation of goods, for every day's attendance during which the valuation continues.....	5 00

97. For attending sale of goods, for every day's attendance during which the sale continues . . .	\$5 00
98. For attending sale of vessel, when required . . .	5 00
99. For attendance at a shipwreck, or for the purpose of assisting a ship in distress, or of saving wrecked goods or property, over and above traveling expenses, a per diem of five dollars, whenever the Consul's interposition is required by the parties interested . . . . .	5 00
100. For Consul's seal and signature to clearance from custom-house authorities . . . . .	2 00
101. For clearance when issued by the Consul, as at freeports . . . . .	2 00
102. For entry of result of examination in vessel's log-book (Form No. 29) . . . . .	2 00
103. Agreement of master to give increased wages (Form No. 83) . . . . .	1 00
104. For issuing, preparing, and executing the receipt for two-thirds extra wages (Form No. 20); the waiver of two-thirds extra wages (Form No. 21); complaint of crew of bad quality or insufficient quantity of provisions or water (Form No. 27); affidavit or certificate of attending physician (Form No. 26); receipt for effects of deceased seamen (Form No. 85) . . . . .	No fee.

Sealing cars.

*Sealing cars coming from Canada.*

105. For each manifest with the Consul's certificate and for sealing of each car, vessel, hale, barrel, box, or package . . . . .	25
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Copies.

*Copies.\**

106. For the first hundred words, fifty cents, and for every additional hundred words or less, twenty-five cents.	
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\* When parties have a right to call for copies, Consular Officers must make them at this rate. The fee for the copies is not an official fee to be accounted for.

## ARTICLE XXVI.

**Consular Accounts and Returns.**

**497.** Consuls are required to keep the following general accounts, some of which are called "accounts" and some of which are styled "returns" in the statute, viz: 1. Rent and miscellaneous account; 2. Statement of cases for relief of seamen; 3. Return of extra wages; 4. Record of official fees; 5. Salary account and account-current, or a general quarterly account.

Titles of accounts.

**498.** In case a special account for any other purpose is opened by order of any Department (as, for instance, for the arrest or extradition of a criminal), that account will be kept separate, and a separate return thereof made to the proper Department. Expenditures incurred for or by the order of any other Department are not to be included in any account against the Department of State.

Special accounts.

**499.** All accounts, except the final account and the accounts for salary while waiting instructions and while going to the post, must be rendered at the close of the calendar quarter, viz: On the 31st March, 30th June, 30th September, and 31st December. If not rendered on the day the Department must be advised of the reason of the delay, and the accounts must be forwarded by the earliest possible post.

To be made quarterly.

**500.** The following separate accounts are to be transmitted to the Department of State, viz: Rent and miscellaneous account (Form No. 90); account for clerk-hire; account for pay of persons employed, but not formally commissioned, as interpreters, guards, and other expenses in non-Christian countries; account for rent of prisons, wages of keepers, and other expenses, in China, Japan, Siam, Turkey, and other non-Christian countries; the account of fees received by marshals of Consular courts and of the expenditures, to be supported by vouchers; account for expenses incurred in the arrest and transportation of persons charged with crime; account for expenses of acknowledging the services of masters and crews of foreign vessels in rescuing American citizens; and any account specially ordered by the Department of State.

Accounts to be sent to Department of State.

Accounts to be sent to the Fifth Auditor.

**501.**..The following separate accounts are to be sent to the Fifth Auditor of the Treasury, viz: All accounts for salaries of Consular Officers, the amount of which is fixed by law; account for disbursements for the relief of seamen (Form No. 94); account of extra wages of seamen (Form No. 99); account-current (Form No. 100); any account specially ordered to be sent to the Treasury Department.

How sent.

**502.**..The quarterly or other accounts sent to the Department of State should be inclosed in a single despatch. They should be prepared in duplicate, with duplicates of the accompanying vouchers, in order that one set may be retained in the Department. An account ordered by special instructions should be sent in a separate despatch. A transcript of all accounts should be recorded in the proper Consular record.

To be stated in United States currency.

**503.**..All accounts of Consular Officers must be stated in the currency of the United States, and all drafts must be drawn, not in foreign money of account or currency, but in the money of the United States. The table of equivalents of foreign moneys will be found in Form No. 148.

#### VOUCHERS.

Vouchers.

**504.**..Unless otherwise specially instructed, a proper and satisfactory voucher must be furnished for every disbursement by Consular Officers. Vouchers should be in the English language, or, if not, they should be accompanied by a careful translation. They should be full, showing exactly what the disbursement was for, and should be numbered and referred to in the corresponding account by number. Vouchers in a foreign language, not accompanied by translations, will be suspended by the accounting officers. In all cases they must be in the original. Copies of vouchers will not be audited.

#### RENT AND MISCELLANEOUS EXPENSES.

Rent and miscellaneous account.

**505.**..This account is to be transmitted quarterly to the Secretary of State, and embraces the following items, viz: Rent, postage, stationery, freight and charges on boxes and packages to and from the Department; flag-staff and fixtures; flag, Consular seal, Consular press, Consular arms,

record-books, binding Consular letters; blank forms, as prescribed by the Department; loss by exchange, and other proper and necessary expenses. (For a form, see Form No. 90.) If the fees, applied as directed in paragraph 546, fail to meet this account, the Consul will draw on the Secretary of State.

**506.. Rent.**—Consuls and Commercial Agents in Schedule B, whose annual salaries exceed \$1,000 a year, may charge for rent the sum actually paid by them, to an amount not exceeding twenty per centum of the salary named in the statute. The voucher must show that the office is devoted solely to the business of the Consulate; otherwise the account will not be passed. Consular Officers, whose annual salaries do not exceed \$1,000 a year, are not entitled to any allowance for office rent, and no application for such an allowance will be considered. A form of the voucher for office rent is given in Form No. 91.

Office rent.  
R. S., secs. 1700  
and 1705.

**507.. Unsalariated Consuls** are not entitled to rent, unless the fees exceed the amount which they are allowed to retain for their salary. In no event can they retain from the fees collected by them more than the amount actually paid for rent, which must never exceed the rate of \$500 for the year. They are also not authorized to draw for the expense of office rent or for their compensation, either upon the Department of State or the Treasury. The fees out of which office rent may be paid are those received at the Consulate, exclusive of such fees as may be received from Consular Agencies.

Unsalariated Con-  
suls.  
R. S., sec. 1732.

**508..** The selection of office rooms, and the amount to be paid for office rent, are entrusted to the Consular Officer. The actual expense of rent, within the statutory limit of twenty per centum of the salary, is allowed to him for that purpose, but all arrangements and obligations respecting the leasing of premises, the amount and terms of payment, or otherwise, are made by the Consular Officer, and the Government assumes no responsibility therefor. When suitable offices have been obtained, it is undesirable that they should be changed, except for good cause, to be reported to the Department of State; and it is expected that the same offices will be retained by a successor to a Consulate when-

Location and  
change of office  
lease, &c.

ever it is practicable to do so. It is known also that suitable offices cannot usually be had except upon a lease for one or more years. The recall or retirement of a Consular Officer during the pendency of such a lease not unfrequently results in embarrassment and loss, if the incoming officer refuses to continue the occupancy. Under these circumstances it will be required that the same offices should be retained until the lease expires, unless a change can be made without loss to the outgoing officers, or there exists some controlling reason justifying the change, the nature of which should be reported to the Department.

Clerk hire.

**509**.. *Clerk hire*.—The account for clerk hire at those offices for which an allowance has been provided (Paragraph 24) must be rendered separately, and must not, as has sometimes been done, be included in the miscellaneous account. It should be accompanied by the receipt of the person employed as clerk, and by the Consul's certificate that the service has been performed as charged for, and that the account is correct and just.

Postage.

**510**.. *Postage*.—From the nature of the case, no voucher will be required for this disbursement beyond the personal explanation of the Consular Officer. If, however, an account is kept with the local post-office, a voucher should be obtained from the postmaster, when practicable to do so. Postage is not to be charged in the account of a Consular Officer, except on despatches and letters received and written by him on official business and by reason of his office. The accounts for this disbursement will be carefully examined. If they appear excessive, a satisfactory explanation and a statement of items will be required.

Postage on non-official letters.

**511**.. Letters of nonofficial persons, not being members of their own families, are not to be sent by Consular Officers to the Department of State with official despatches, for transmission to persons in the United States (see, also, paragraph 157). Prepayment of postage on invoices to collectors of customs is not required, except in countries where increased postage is charged for omitting such prepayment.

Economy to be used.

**512**.. Consuls will also take care to avoid unnecessary expenditures for postage. The use of light paper in formal returns, the limitation of their size, and the excision of



blank half sheets from short inclosures, are suggested as means to this end.

**513 . Stationery.**—Consuls are allowed for such stationery, comprised within the following articles, as may be used in the *official correspondence* of principal Consular Officers *only*, namely: Ruled cap paper, with an inch blank margin around each page; letter, note, wrapping, and blotting paper; envelopes, quills, steel pens and pen-holders, ink and inkstands, wafers, wax, pencils, gum-bottle and brush, gum-arabic, India rubber, rulers, tape or narrow ribbon for triplicate invoices, twine, cases or boxes for the safe-keeping and preservation of samples and invoices. Stationery.

**514 .** Articles of this description are usually furnished by the Department of State to principal Consular Officers, but not to Consular Agents. In making requisitions care should be taken to state what kind of stationery is wanted, and the quantity of each kind. Necessary articles of stationery, however, may be bought, if they can be obtained at reasonable rates. When supplied.

**515 .** *Freight and charges on boxes and packages to and from the Department of State.*—When the boxes and packages are addressed to or from the Consul, the voucher should be accompanied by a brief memorandum, showing in general terms their contents. Freight.

**516 .** *Flag-staff and fixtures, flag, seal, and press, record-books, and blank forms.*—Principal Consular Officers are authorized to purchase a suitable flag-staff and fixtures, on permission first obtained from the Department of State. Flags, seals, and presses, record-books, and blank forms are supplied by the Department on requisition. A seal and press, record-books, and blank forms only are furnished to Consular Agents. The cost of a flag-staff and fixtures is restricted to the sum of \$150. Flag-staff and fixtures.

**517 .** *Furniture.*—It is expected of Consular Officers that their offices should be suitably and respectably furnished. For this purpose they are allowed for furniture a book-case, and other cases capable of containing the archives, a suitable desk and table, and the necessary chairs. Carpets, matting, curtains, gas-fixtures, and like articles of furniture, as well as fire, light, and servants, will not be provided by the Gov- Furniture.

ernment and will not be allowed in consular accounts. In all cases, before incurring expense for furniture Consular Officers will obtain the sanction of the Department of State, and in their applications they will be careful to state the articles required and the estimated cost of each.

Binding.

**518.** *Binding.*—A Consular Officer should, as fast as the correspondence accumulates in sufficient quantities, cause it to be neatly bound in the manner prevailing in the Consulate. If practicable, it is better to have this work done at his office. The cost is a proper item of miscellaneous expense.

Charges not allowed, &c.

**519.** No allowance will be made to Consular Officers for expenditures for the following objects: Repairs, or care, or cleaning of office, or attendance; donations, taxes, carriage-hire, traveling expenses, unless authorized; contributions to charitable or other objects; foreign flags; telegrams, except in cases of exigency; printed books, maps, or advertisements; clerk-hire, unless provided for by law and under authority from the Department of State; or for copying or translations, except when made by special order of the Department. Repairs, however, of the official seal or of furniture, and the expense of moving the archives and property on a change of location of the Consulate, are proper charges against the Government. So also is the amount of duties and charges paid at foreign custom-houses on official supplies of stationery, flags, furniture, or other articles sent by the Department. Fire-proof safes are provided only for the more important Consulates, and upon satisfactory representation of the necessity for their use.

Expenses of National Board of Health.

**520.** The expenses incurred by Consular Officers on account of the National Board of Health are not to be charged in any account with the Government, but they are to be stated in a separate account, to be rendered directly to the office of the board in Washington.

#### DRAFTS.

Drafts.

**521.** Drafts of Consular Officers must not be made for foreign moneys of account, but for the equivalent value in the currency of the United States. In estimating the rela-

tive value of the foreign currency in which they may receive the proceeds of their drafts, they will adopt the values of foreign moneys as given in the table of equivalents (Form No. 145).

**522.** In disposing of their drafts Consular Officers are expected to use their best discretion to negotiate them at the most favorable rates. It is necessary that they should state on the face of every draft for salary or authorized expenses the account for which it is made; and every draft for expenses authorized by special instructions should refer explicitly to the date and number of the instruction in which such authority was given. The same reference should appear in the corresponding account. Drafts payable in gold should invariably be so expressed.

Sale of drafts.

**523.** Bills of exchange drawn by Consular Officers are occasionally presented at the Department of State or the Treasury for payment by holders whose rights are derived from endorsements not made by parties to whom such bills have been duly made payable, but by other persons claiming to act for such parties by procuration, without producing the power of attorney or other authority for the transfer of the property in such bill of exchange out of its lawful owner. The accounting officers, who are required to see that no person receives money from the Treasury but by lawful title, cannot recognize such endorsements unless on satisfactory proof of their sufficiency. To prevent the dishonor of such bills or drafts it is well for Consular Officers to observe the form prescribed with a view to overcome this difficulty. (See Form No. 115.)

Endorsements by  
procuration.

**524.** All drafts drawn by Consular Officers, whether on the Secretary of State or on the Secretary of the Treasury, are to be drawn at fifteen days' sight, *acceptance waived*, in order to give sufficient time to the accounting officers to adjust the accounts before the day of payment. Drafts for disbursements made for objects not expressly authorized by law or instructions must not be drawn until notice is received from the Department of State that the accounts and vouchers have been examined and approved.

To be drawn at  
fifteen days' sight.

**525.** Much inconvenience is given to the accounting officers and to persons holding Consular drafts by the remissness

Accounts must  
precede or accom-  
pany drafts.

of Consular Officers in failing to transmit the accounts and vouchers at the same time with, or in advance of, the corresponding drafts. Consular Officers are, therefore, explicitly informed that drafts are not paid until the accounts and vouchers for which they are drawn have been received, examined, and approved; and that in order to secure their payment, as well as to prevent embarrassment and delay to holders, it is necessary that the accounts should be sent so as either to precede the arrival of, or be received at the same time with, the drafts.

Drafts to be drawn  
by principal officer.

**526.** . All drafts and certificates for the payment of money from the Treasury must be drawn by the principal Consular Officer, namely, the Consul-General, Consul, or Commercial Agent; or, in the absence of either of these officers, a duly authorized and qualified Vice-Consul General, Vice-Consul, or Vice-Commercial Agent. No draft nor any certificate for the passage of destitute seamen, nor any account whatever, must be transmitted by a Consular Agent. All papers of this character must be in the name of the principal Consular Officer. In case a Consular Agent has occasion to address the Department of State or Treasury, his communication must be sent through the medium of the Consul under whom he holds his office, except in those cases where, the public interests being concerned, the Department shall authorize a departure from this rule.

Blank to be filled  
by drawer and  
sealed.

**527.** . Whenever a draft is drawn by a Consular Officer, the blanks in the engraved forms transmitted by the Department of State (Forms Nos. 114 and 115) must be filled up by the drawer in his own handwriting; and for still further protection against forgery, or the payment of fraudulent drafts, the draft should be sealed with the Consular seal.

Loss by exchange.

**528.** . *Loss by exchange on the amount of the accounts.*—Consular Officers who desire that the losses by exchange *actually and necessarily sustained* in the negotiation or sale of their drafts shall be allowed at the Treasury are instructed that hereafter, in making up their accounts, they will be required to present a voucher in accordance with the prescribed form, exhibiting—

1st. The date of draft.

2d. The amount of draft in United States currency.

3d. Gross amount of draft in foreign currency.

4th. The rate of exchange.

5th. Loss on sale of draft.

6th. Upon whom and on what account drawn (Form No. 92).

**529.**..The Department has noticed with surprise and regret that, in a few cases, the amounts charged in Consular bills for loss in exchange have been unnecessarily large, and greater than they would have been if proper care had been taken to protect the interest and credit of the Government of the United States. Whenever any such instance of inadvertence or carelessness is hereafter brought to the attention of the Department, the Consul so offending will be prohibited from drawing on the Government, and required to transmit his accounts to the proper Department in due form, and to wait until after their adjustment before the payment of the same. When such accounts have been adjusted by the accounting officers, and not until then, will he be authorized to draw on the bankers for the exact amount which is found to be due him, without any allowance for loss in exchange; or a bill on the bankers will be transmitted to him.

When loss by exchange is excessive.

**530.**..Drafts for the following accounts are to be drawn upon the Secretary of State, viz: Rent and miscellaneous expenses; relief of seamen; clerk hire; expenses of Interpreters, guards, and other expenses at Consulates in Turkey; rent of prisons; wages of keepers, care of offenders, and expenses incident thereto, in China, Japan, Siam, Turkey, and other non-Christian countries; expenses of the arrest and transportation of persons charged with crime; acknowledging the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck; and any account specially ordered by the Department.

Drafts on the Secretary of State.

**531.**..Drafts for the following accounts should be drawn on the Secretary of the Treasury, viz: All salaries the amount of which is fixed by law; and any account specially ordered for the Treasury Department.

On Secretary of the Treasury.

#### RECEIPTS AND DISBURSEMENTS ON ACCOUNT OF SEAMEN.

**532.**..The returns to be made under this head comprise: Statement of cases of relief (Form No. 94); a return of extra

Accounts relating to seamen.

wages (Form No. 99); an account-current (Form No. 100); a detailed list of seamen or mariners shipped, discharged, or deceased (Form No. 124); a statement of hospital dues collected (Form No. 125); and a return of seamen who have come upon the Consulate otherwise than in the employment of vessels, or by regular discharge therefrom (Form No. 126). All of these returns are to be transmitted quarterly to the Fifth Auditor of the Treasury. Reference is made to previous instructions herein for information as to the items to be embraced in the account for the relief of seamen, and the vouchers to sustain them. (For forms of sundry vouchers, see Forms Nos. 95, 93, 97, and 98.)

## STATEMENT OF CASES OF RELIEF.

Accounts for relief of seamen.

**533.** This return should be prepared as shown in Form No. 94, and should be a complete statement of the entire receipts and disbursements on account of seamen during the quarter for which it is rendered. Where seamen have been discharged with one month's extra wages only, or without extra wages, the grounds on which they have been so discharged should be noted on the statement in the column headed "remarks." So, also, where seamen have come upon a Consulate casually, or otherwise than in the employment of vessels or by regular discharge therefrom, the manner in which they came upon the Consulate should be stated, with the names of the vessels on which they were last employed and the ports to which they belong; and particulars (as full as possible) should be given showing how and why such seamen left the employment of their vessels.

## RETURN OF EXTRA WAGES.

Account for extra wages.

**534.** This should be a complete return for the quarter of that portion of the extra wages collected, which, under the law, belongs to the United States, and should be made out as shown in Form No. 99.

Ships' bills to be made in duplicate.

**535.** Hereafter it will be required that all Consular bills against shipmasters shall be made in duplicate, and that they shall show each item of charge, including all moneys received for wages and extra wages, and corresponding in these respects to the entries in the "Ship's Daily Journal" (Form

No. 135). The originals of such accounts are to be delivered to the master of the vessel, and the duplicates, after being countersigned by the master, are to be sent by the Consular Officer as vouchers to the proper quarterly account to the Fifth Auditor of the Treasury. In case the signature of the master cannot from any cause be obtained, the reasons therefor should be reported to the Auditor at the time of sending the account.

#### ACCOUNT-CURRENT AND OTHER RETURNS.

**536.**..The account-current should be made up as shown Account-current. by Form No. 100. It should show, on the debit side, the amount disbursed for the relief of each seaman and on what account, the balance of extra wages and arrears of wages refunded to each seaman, and the loss by exchange sustained in negotiating any draft drawn on this account; and, on the credit side it should show the full amount of extra wages and arrears of wages received on account of each seaman, and the amount of hospital dues collected. For any balance that may be due from the United States on this account at the end of a quarter, the Consular Officer will draw on the Secretary of State, unless he has sufficient funds to pay the same from surplus fees in his hands. The other returns, viz, detailed list of seamen or mariners shipped, discharged, or deceased; statement of hospital dues collected; and return of seamen who have come upon the Consulate otherwise than in the employment of vessels or by regular discharge therefrom, are to be rendered as shown in Forms Nos. 124, 125, and 126.

#### SUMMARY OF CONSULAR BUSINESS.

**537.**..Consular Officers at seaports will also make to the Department of State and to the Fifth Auditor of the Treasury a quarterly report in Form No. 103, containing a summary of the business of their offices. This report embraces the movement of vessels and seamen, the tonnage arriving and departing, the amount of fees and wages received, and the disbursements on account of seamen. Summary of Consular business.

## RECORD OF OFFICIAL FEES.

Record of official fees.

**538.** Consular Officers will make the following quarterly return of fees, both to the Department of State and to the Fifth Auditor of the Treasury, viz: The return of all official fees received during the quarter for services of whatsoever kind. A separate return must also be made for each Consular Agency. If no fees have been received, that fact must be stated on the return. If the Consular Officer resides at a seaport, the return should be as shown in Form No. 101. If he resides at an inland place, it should be as shown in Form No. 102. The forms Nos. 103 and 104 in the Consular Regulations of 1874 being discontinued, Consular Officers will be required to state clearly in their returns the exact nature of each fee, both on account of services to vessels and otherwise.

## AGGREGATE OF FEES

Aggregate of fees.

**539.** Consular Officers will also, on the 30th of June in each year, make a return to the Department of State, in the form given in Form No. 105, of the aggregate of official fees received at the Consulate and the Consular Agencies connected with it, during the fiscal year ending on that day.

## SALARY ACCOUNT.

Salary account.

**540.** The first salary account will be stated for the time, not exceeding thirty days, during which the Consular Officer is receiving his instructions (Form No. 106). The time begins with the date of commission. The draft therefor is drawn before departure. A certificate (Form No. 107) of the number of days occupied in receiving instructions accompanies the account. No allowance of salary, however, on account of time occupied in receiving instructions is made when the appointee is out of the United States at the time of appointment. All drafts for salary should be drawn on the Secretary of the Treasury. The account therefor should be sent to the Fifth Auditor of the Treasury, who is the Officer charged with the first adjustment of such accounts.

Transit salary.

**541.** It is required also that a separate account should be stated for the time occupied in the transit from the residence



of the Consular Officer to his post of duty (Form No. 108). The transit must be made in the shortest time in which it can conveniently be made by the ordinary routes of travel. The account should be accompanied by a certificate as shown in Form No. 109. If the Consular Officer, after arrival at his post, is obliged to wait for his exequatur, or is delayed in taking charge of the office, the account for time so occupied may accompany the transit account. Consular Officers who are compensated by the fees received for official services have no allowance of pay during transit or while receiving instructions. No allowance can be made for transit for a longer time than that fixed in the schedule given in paragraph 46.

**542.**..After the Consul arrives at his post, and enters upon his duties, the regular accounts should be rendered quarterly. In no case after the first quarter should an account be rendered for a fractional quarter until the final account, which will be made to the day when the right to receive compensation ceases. The first account should be accompanied by a certificate showing the day upon which he entered on the duties of the office (Form No. 110), and that and all subsequent accounts should be accompanied by the certificate of non-absence (Form No. 113).

Salary after arrival  
at post.

**543.**..The final account will also be accompanied by a certificate (see Form No. 111) showing the time occupied in making the transit from the post of duty to the residence of the Consul. As Consular Officers have sometimes supposed that they could make a draft for the amount of salary allowed for the time of transit to the United States while they were yet abroad, it should be understood that such a draft is unauthorized, and that the allowance of salary in such a case is never granted until after the transit has been made; and also that the allowance will not be granted unless the transit takes place within a reasonable time after delivering up the office or being otherwise relieved from its duties.

Transit home.

#### VICE-CONSULAR ACCOUNTS.

**544.**..When the absence of a Consular Officer from his post, by leave or otherwise, exceeds sixty days together with the time allowed for transit from his post, the account

Vice-Consular ac-  
counts.

for salary or compensation as well as other accounts are adjusted in the name of the Vice-Consular Officer. All drafts for salary must accordingly be in his name. A Vice-Consular Officer must, under these circumstances, accompany his salary or compensation account with the certificate of non-absence (Form No. 113) in the same manner as the principal officer. A separate appropriation has been made by Congress for the payment of such part of the salary of a Consulate as may be due to Vice-Consular Officers who are not citizens of the United States. It is necessary, accordingly, that the Department of State and the First Comptroller of the Treasury should be advised of the nationality of any such officer who receives any part of the Consular salary, or has occasion to make a draft therefor. This information should be promptly communicated.

Absences to be reported.

**545.** Each account must be accompanied by a statement showing the absences from the post during the quarter, and whether by leave or otherwise. Consuls are forbidden from absenting themselves from the Consulate for more than ten days at any one time, without first obtaining leave from the President, and then only for good cause, the nature of which is to be reported to the Department of State. No Consular Officer can receive salary for the time during which he may be absent from his post (by leave or otherwise) beyond the term of sixty days in any one year: Provided, that the time equal to that usually occupied in going to and from the United States, in case of the return, on leave, of such Consular Officer of the United States, may be allowed in addition to said sixty days. The year in which the absences above referred to are to be estimated is regarded as the calendar year. All absences from his post of a Consul, exceeding forty-eight hours, whether by leave or otherwise, are to be reported to the Department as they occur, and are to be regarded as a part of the sixty days for which salary may be received, while absent during any one year. And a statement of all such absences, by leave or otherwise, certified by the Consul, must accompany each quarterly account for salary.

## DISPOSITION OF OFFICIAL FEES, AND QUARTERLY REPORTS.

**546.**.. The fees collected during each quarter will be applied: 1°. To the payment of the compensation of the Consular Officer. 2°. To the authorized disbursements for office rent and miscellaneous expenses. 3°. Clerk hire. 4°. Relief of destitute seamen. 5°. Expenses of arrest and transportation of persons charged with crime. 6°. To any other authorized account, as stated in paragraphs 497, 500, and 501. 7°. Expenses incurred under special instructions.

Fees, how applied.

**547.**.. If after the payment at the close of each quarter of the several accounts mentioned in the foregoing paragraph, there shall still remain in the hands of the Consul a surplus, he shall deposit the same with Messrs. Morton, Rose & Co., London, or the Treasurer of the United States, taking a receipt, which must accompany his next salary account.

United States bankers.

**548.**.. Attention is particularly invited to the provision of law that any Consular Officer of the United States who shall willfully neglect to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who shall neglect to pay over any balance of such moneys which may be due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, shall be deemed guilty of embezzlement of the public moneys, and shall, on conviction thereof before any court of the United States having jurisdiction of like offenses, be punished by imprisonment not exceeding one year and by a fine not exceeding two thousand dollars, and shall be forever disqualified from holding any office of trust or profit in the United States.

Neglect to report fees.  
R. S., sec. 1734.

**549.**.. When the amount received by any salaried Consular Officer on account of fees during the quarter shall be less than his salary for such quarter, he may draw on the Secretary of the Treasury for the difference, at fifteen days' sight. It must be stated on the face of the draft that it is for the residue of salary, designating the quarter in which the deficiency occurred for which it is drawn, and whether payable in coin or currency. The account of the receipts of the Consular Officer during the same quarter must precede the draft,

Drafts for residue of salary.

so that it may be received and adjusted by the accounting officers prior to the presentation of the draft. All Consular Officers are explicitly instructed that their drafts on account of their salaries cannot be honored unless drawn in the manner stated in these instructions, and accompanied with the official statements and certificates herein pointed out.

**Form of salary account.** **550.** For the mode of stating this account for salary and fees, see Form No. 112; for the certificate to accompany it, see Form No. 113; and for the form for the draft upon the Secretary of the Treasury for salary, see Forms Nos. 114 and 115.

**When there is a surplus of fees.** **551.** When the quarterly account shows a surplus due the Government, the account should be stated in the return in the manner shown in Form No. 116, instead of in the manner shown in Form No. 112; for the mode of calculating Consular salaries, see Form No. 131; for the rates of foreign money or currency fixed by law, see Forms Nos. 148, 161, and 162.

**Reports to Secretary of State.** **552.** Consuls will also in addition to the foregoing make quarterly returns to the Secretary of State of—1. A digest of the invoice-book (Form No. 117); 2. Arrivals and departures of American vessels (Form No. 120); 3. Returns of deceased American citizens (Form No. 121); 4. Record of official fees (Forms Nos. 101 and 102); 5. Record of notarial services (Form No. 159); 6. Summary of Consular business (Form No. 103); 7. Return of Marshal of Consular court (Form No. 137); 8. Semi-annual returns to the same officer, showing an abstract of passports issued or visaed (Forms Nos. 122 and 132); 9. An annual return to the same officer, showing the names of the persons employed at the Consulate (Form No. 123). They will also make a semi-annual return of the persons receiving the protection of the Consulate (paragraph 175), and also an annual return of despatches written to the Department of State during the year (paragraph 152); and a semi-annual report of the condition of the estates of deceased American citizens (paragraph 634), an annual return of marriages (paragraph 469), and a transcript of the register of American residents (paragraph 468).

553..RECAPITULATION.

TABLE NO. 1.

*Returns and accounts to be transmitted by Consular Officers to the Department of State.* Returns to Department of State.

QUARTERLY RETURNS.

Quarterly.

Digest of invoice-book .....	Form No. 117
Arrivals and departures of American vessels.	Form No. 120
Return of deceased American citizens.....	Form No. 121
Record of notarial services .....	Form No. 159
Summary of Consular business .....	Form No. 103
Return of Marshal of Consular court.....	Form No. 137
Record of official fees.....	Forms Nos. 101 and 102

SEMI-ANNUAL RETURN.

Semi-annual.

Abstract of passports issued or visaed..	Forms Nos. 122 and 132
List of persons to whom protection has been issued in non-Christian countries (paragraph 175) .....	
Report on estates of deceased citizens (paragraph 634) .....	

ANNUAL RETURNS.

Annual.

Names of persons employed at the Consulate.	Form No. 123
Aggregate of fees received.....	Form No. 105
List of despatches written to the Department of State during the calendar year (paragraph 152) .....	
Report of marriages of American citizens (paragraph 469) .....	
Register of American residents (paragraph 468) .....	

QUARTERLY ACCOUNT.

Rent and miscellaneous expenses, with vouchers.....	Form No. 90
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## TABLE NO. 2.

To Fifth Auditor. *Returns and accounts to be transmitted by the Consular Officers to the Fifth Auditor of the Treasury.*

Quarterly.

## QUARTERLY RETURNS.

Record of Treasury fees, with oath....	Form No. 101 or 102
List of seamen shipped, discharged, or de- ceased at the Consulate.....	Form No. 124
Statement of relief to seamen.....	Form No. 94
Summary of Consular business.....	Form No. 103
Return of seamen who have come upon the Consulate otherwise than in the employ- ment of vessels or by regular discharge there- from.....	Form No. 126
Return of extra wages.....	Form No. 99
Hospital dues collected during the quarter...	Form No. 125

## QUARTERLY ACCOUNTS.

Account-current.—To be accompanied by vouchers and certificates, as per Forms Nos. 95, 96, 97, and 98.....	Form No. 100
Salary account, with certificate of non-absence and vouchers, in case of sale of draft, as per Forms Nos. 92 and 113.....	Form No. 112 or 116

## ARTICLE XXVII.

**Consular Reports.**

## COMMERCIAL REPORTS TO THE SECRETARY OF STATE.

**554.** By section 208 of the Revised Statutes, the Secretary of State is required annually to lay before Congress—

Commercial re-  
ports,  
R. S., sec. 208.

First. A statement, in a compendious form, of all such changes and modifications in the commercial systems of other nations, whether by treaties, duties on imports and exports, or other regulations, as shall have been communicated to the Department, including all commercial information contained in the official publications of other governments which he shall deem sufficiently important.

Second. A synopsis of so much of the information which may have been communicated to him by Diplomatic and

Consular Officers during the preceding year as he may deem valuable for public information.

By section 1712 of the Revised Statutes it is directed that "Consuls and Commercial Agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such character and in such manner and form and at such times as the Department may from time to time prescribe."

By section 1752 "the President is authorized to prescribe such regulations, and make and issue such orders and instructions, \* \* \* in relation to the duties of all Diplomatic and Consular Officers, the transaction of their business, \* \* \* *the communication of information*, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce from time to time as he may think conducive to the public interest."

555. To enable the Secretary of State to comply with the foregoing provisions of the law, Consular Officers who are subordinate to a Consul-General will transmit each year to the Consul-General a report, addressed to the Department, containing full statistics and statements respecting the trade and navigation within their respective districts, arranged in tabulated forms, as shown in Forms Nos. 127, 128, 129, and 130, together with such other information as they may see fit to transmit; and they will send all reports open through the Consulate-General. These reports should be made in duplicate—one copy written on every other page of foolscap paper in a convenient form for publication—and should be based upon the official statistics of the country in which the Consul resides, for the calendar year, where it is possible, otherwise for the fiscal year of such country. These reports must be prepared and forwarded so as to be available for publication by the Department at the earliest date possible—at the latest not to exceed six months after the expiration of each calendar or fiscal year. Consuls not subordinate to a Consul-General will also make similar reports, but directly to the Department.

When and how made.

556. Each Consul-General will, in like manner, send directly to the Secretary of State, in duplicate, each year, a

Reports from Consuls-General.

full report upon the trade and industry of the country under his supervision, arranged and systematized so as to show, 1st, its agriculture; 2d, its manufactures; 3d, the condition of its mines; 4th, its fisheries; 5th, the products of its forests; 6th, its commerce, showing (a) the number of vessels, domestic and foreign, entered and cleared, and the amount of tonnage, (b) the amount and value of imports and duties thereon, (c) the amount and value of exports, (d) its trade with the United States; 7th, its revenues, separating customs from other sources of revenue; 8th, such miscellaneous subjects as may appear of importance, such as new commercial treaties, statements of population, emigration, price of food, wages of labor, conditions of the people, peculiarities in business and habits, and all points of interest that may serve to further American trade and general information.

Expense of re-  
ports.

**557.** Each Consul-General will be allowed in his miscellaneous account his actual expenditures in obtaining the information necessary to such a report, not to exceed, in any one year, two hundred dollars. The report will also contain a statement of the condition of the several consulates under his supervision, and will be accompanied by the consular reports referred to in paragraph 555. It being sometimes impracticable for Consuls and Commercial Agents to obtain from customs-houses and otherwise the necessary information and materials for their annual reports without expense, the actual and reasonable outlay for this object will be allowed to them when charged in the miscellaneous account and supported by proper vouchers. The inability to procure the information must, however, be made clear to the Department, and if any charge is deemed excessive the amount to be allowed will be determined by the Department. No allowance for the labor of preparing the report or for clerical services will be authorized, that labor being regarded as a proper part of the Consular duties.

Subjects of re-  
ports.

**558.** All Consuls-General, Consuls, Commercial Agents, Consular Agents, and Consular Clerks are required to aid in rendering the above specified reports as complete and accurate as possible, by preparing the same while the subject-matter is new in their respective districts or country, and they are especially requested to advise the Department at the



earliest moment of any law, act, or movement affecting any change, officially or in public opinion, of treaties, tariffs, taxation, shipping, or points tending to foster any or all industries or commerce of such countries, and they are required to confine the communication of these data to the Department, that the "Consular Reports" provided for by the act of June 16, 1880, and published in monthly series, may properly and exclusively be provided with this valuable information, and the public advised officially, as required by the statutes.

**559.**.. All Consuls will transmit, as soon as they are published, statements of all changes in the commercial systems of the governments to which they are accredited, copies of all commercial treaties, regulations, light-house notices, revenue laws, acts and regulations respecting warehouses, tonnage-duties, and port-dues; all tariffs and modifications thereof, and all enactments, decrees, royal orders, or proclamations which in any manner affect the the commercial, agricultural, mining, or other important interests of the United States. All despatches communicating information of this character must be indorsed "commercial information," and be strictly confined to this subject. If the information is contained in printed newspapers, circulars, pamphlets, or public documents, two copies thereof must be sent.

**560.**.. The trade reports of Consular Officers should specify the articles of import and export, the countries which supply the former and receive the latter, the comparative increase or decrease in the amounts of the same, and the causes in both cases for either; the general regulations of trade and their effects, the average market prices within the year of the staples of export, and the average rates or freight to the United States. They should also designate the articles, if any, prohibited from importation into their consular districts, whether from the place of their growth or production or from other places, specifying what changes have occurred since their last reports; and also all privileges or restrictions thereon, if any, and to what vessels and in what manner they apply, and all differences in duties on articles imported in foreign or national vessels; all tonnage duties and other port dues, and all port, warehouse, and sanitary regulations, and those relating to entry and clear-

ance, where such exist and have been modified or enlarged since their last reports. They should also communicate detailed information in regard to the employment in their consular districts of the capital, if any, of citizens of the United States, whether employed in industrial, agricultural, scientific, or commercial pursuits. They should also transmit tabular or other statements touching the consumption of the products of the United States as well as of other countries; the amount of these articles imported into their districts in American vessels, and the amount of foreign tonnage employed in the trade.

Other subjects.

**561.**.. Consular Officers should from time to time communicate any useful and interesting information relating to agriculture, manufactures, labor, wages, population, and public works. In all that relates to scientific discoveries, to progress in the useful arts, and to general statistics in foreign countries, they should communicate freely and frequently with the Department. They should be careful to note all events occurring within their several districts which affect, favorably or otherwise, the navigation and commerce of the United States; the establishment of new branches of industry, the increase or decline of those before established, and the demands for new articles of the products or manufactures of the United States. They should also promptly advise the Department in all matters calculated to benefit our commerce or other interests, and as to all means for removing any impediments that obstruct their development.

Quarterly reports.

**562.**.. Consular Officers will transmit, quarterly, information on the following points to the Secretary of State, not only in reference to the trade of the place of their residence, but that of the neighboring country or towns with which it may be connected commercially, or through which their merchandise may be shipped to the United States: 1st. The usual terms on which merchandise is bought and sold, whether on credit or for cash. The usual discounts allowed, either from custom or in consideration of cash payment, or from other cause; whether such discounts are uniform, and, if not, whether they vary in the same, or only on different descriptions of merchandise; and whether such discounts, or any of them, are regarded as a bonus or gratuity to the

buyer for his benefit; whether he purchases for himself or ships merchandise to order and for account of others. 2d. The bounties allowed on articles exported, and for what reason, and under what circumstances; whether they are the same on exports by national or foreign vessels; if not, the difference; the rates of such bounties, and how estimated, whether on weight, measure, gauge, price, or value. 3d. The customary charge of commissions for purchasing and shipping goods of different descriptions; the usual brokerage on the purchase or sale of merchandise; whether it is paid by the buyer or seller, or by both. 4th. The usual and customary expenses in detail attending the purchase and shipment of merchandise, including commissions, brokerage, export duty, dock, trade, or city dues, lighterage, portorage, labor, cost of packages, covering or embalming, cooperage, gauging, weighing, wharfage, and local imposts or taxes of any kind; which of the foregoing, or other items, are usually included in the price of the article, or become a separate charge to be paid by the shipper or purchaser.

In the case of merchandise purchased at the interior places, or in other countries having no shipping ports of their own, for shipment to foreign countries, through the ports of the Consulate, Consuls will report the customary expenses attending the transportation from such interior places or countries to the port of shipment, including all transits, exports, or import frontier duty, and every other charge up to the arrival at such port, and the ordinary expenses attending the shipment thereof.

**563.**..The duties of Consular Officers in respect to the development of trade with the United States are of special interest and importance. The condition of the products and manufactures of this country is such that very many articles of growth and manufacture can be exported in largely increased quantities, and the Department of State has taken particular interest in all efforts and measures for the promotion of our export trade. The agency of Consular Officers in this direction is of the highest value, and their efficient services hitherto have met with deserved recognition. It is expected that they should devote special attention to the methods by which trade with the United States

Development of  
trade.

can be most effectively fostered and enlarged, and by which new branches of industry can be introduced within their districts. To this end they should from time to time advise the Department of the demand for different kinds of products and manufactured articles, and whether they are of the character which it is probable the industries of the United States can supply; and also of any products of the country in which trade with the United States may be acquired or increased, either by legislation, executive action, or by commercial enterprise. The vigilance and efforts of Consular Officers in these respects should be continuous, and as useful and valuable information is obtained, it should be communicated to the Department, to be laid before Congress or the public.

Publication of  
Consular reports.  
Act of June 16,  
1880.

**564.** By an act of Congress approved June 16, 1880, provision has been made for printing and distributing more frequently the publications by the Department of State of the Consular and other commercial reports, and for the administration of this branch of the public service in the collection, analyzation, publication, and distribution of commercial information under that Department. The act was passed in consequence of representations of the Secretary of State, and in response to the wishes of leading commercial communities, as expressed through the chambers of commerce of the principal cities, which attested the great value attached to Consular reports, and the advantages likely to follow from their early and frequent publication.

Object of reports.

**565.** In respect to the reports which Consuls are expected to make with a view of carrying out the intention of the statute, it is observed that they should embrace all subjects which may be calculated to advance the commercial and industrial interests of the United States, and that, while no restriction is placed upon the range of subjects to be discussed, the principal end to be attained is the introduction of American trade into, and its enlargement within, the several Consular districts.

Preparation of re-  
ports.

**566.** It is the wish of the Department, where such a course is practicable and does not detract from the general effect, that each of these special reports shall embrace only one subject, with its necessary connections, and that, while

diffuseness and repetition should be avoided as much as possible, the information given should be explicit and comprehensive, so that our merchants, manufacturers, agriculturists, exporters, and importers shall fully understand the peculiarities, wants, and requirements of the several markets, as well as the best methods of reaching the same, and that as little as possible may be left to surmise or speculation.

**567**.. The frequency of these proposed publications will depend altogether upon the volume and value of the reports received; and as the number of these from any one Consular Officer must depend wholly upon his ability and efficiency, and upon the field of his labors, to some extent, it is expected that reports will be transmitted to the Department as often as each official has anything of importance to communicate; but in no case less frequently than once a month. Frequency of reports.

The Department notes that, while a majority of the Consuls have done their whole duty thus far, in this regard, others have reported only at irregular intervals, while others again have remained totally silent. As there is no place where the United States is officially represented so insignificant as to be unworthy of commercial cultivation, the Department will henceforth expect reports from all its Consuls, nor will it further overlook the silence of any.

**568**.. In all Consular reports to the Department, foreign weights, measures, and currencies must be reduced to those of the United States. Weights, measures, &c.

**569**.. Consular Officers at seaports are instructed to transmit quarterly a report in accordance with Form No. 120, stating the number, date of arrival, class, name, and tonnage of all American vessels entering the ports at which they reside, the places where from, where belonging, and where bound; and in relation to their cargoes, both inward and outward, the description, quantity, and value, and also the date of clearance. Reports of vessels, cargoes, &c.

**570**.. Consular Officers are not unfrequently applied to by publishers of commercial newspapers and others for copies of their commercial reports, or for articles upon commercial and other topics, and it has been observed that in some in- Consular reports to be furnished to the Department only.

stances such reports and articles have been furnished without the knowledge or consent of the Department. While it is desired and expected that Consular Officers should reply to all proper inquiries respecting the means of promoting the trade of the United States, it should be understood that the statute contemplates that the Consular publications should be the means of communicating Consular reports and commercial information to the public. Consular Officers are accordingly prohibited from furnishing copies of their reports, or reports or articles upon trade or commerce of their districts, for any other publication or to private persons. Such reports will be communicated only to the Department.

#### REPORTS TO THE SECRETARY OF THE TREASURY.

Prices-current.

**571.**.. It is the duty of every Consular Officer to furnish to the Secretary of the Treasury, as often as shall be required, the prices-current of all articles of merchandise usually exported to the United States from the port or place in which he shall be located. They are also requested to transmit, at least once a month, if opportunity offers, to the Secretary of State and to the Comptroller of the Treasury, the rates of exchange, and also a statement of the rates at which any depreciated currency of the country in which they reside is computed in United States or Spanish dollars, or in silver or gold coins of other countries, observing in all cases of an estimate of the value of the currency in such foreign coins that their weight and standard should be made known to the Department.

Rates of exchange.

**572.**.. Consular Officers will also report monthly to the Treasury Department the rates of exchange prevailing between the ports or places at which they reside and the following places, to wit, London, Paris, Amsterdam, and Hamburg; also New York, and other principal ports in the United States; and they will keep the Department regularly and fully advised of the course and progress of trade from the several ports of their Consulates to the United States.

Information for appraisers.

**573.**.. Consular Officers will forward regularly, and as often as practicable, directly to the general appraisers residing at New York, Boston, Philadelphia, Baltimore, and San Francisco, such prices-current, manufacturers' statements of

prices, or merchants' printed circulars of prices, and such other general information as may be useful to appraisers in the discharge of their duties. They will include in their several reports, in detail, information on any other points which they may think proper, in order to an ascertainment of the value of merchandise forwarded to the United States, and the assessment of the legal duties, forwarding any printed or other documents which they may think desirable that the Department should possess.

## ARTICLE XXVIII.

**Record Books and Archives.**

The following record-books are to be kept at all inland Consulates and Commercial Agencies :

**574** . . A *despatch-book*, into which are to be copied all official communications written by the Consular Officer to the Department of State. Press copy-books are not to be considered as permanent records. Despatch-book.

**575** . . A *letter-book*, into which are to be copied all other official communications written by the Consular Officer. Letter-book.

**576** . A *fee-book*, in which the Consular Officer shall register all fees received by him in the order in which they shall be received, specifying in such register or fee-book each item of service; the amount received therefor; from whom, and the date when received; and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts, respectively, so that the receipts and register shall correspond with each other. The Consular Officer will specify the name of the person for whom and the date when he shall verify any passport, certify any invoice, or perform any other official service, in the entry of the receipt of the fees therefor in such register; and also number each consular act so receipted for with the number of such receipt as shown by such register. The fee-book is to be ruled and kept in accordance with Form No. 101 or 102. Fee-book.

**577** . . A *passport-book*, in which are to be registered all passports issued or visæd by the Consular Officer (Form No. 132). Passport-book.

- Invoice-book.** 578.. An *invoice-book*, to be ruled and kept in accordance with Form No. 133, and with the instructions prescribed in the article on verification of invoices.
- Miscellaneous record-book.** 579.. A *miscellaneous record-book*, for the entry of those official papers and records which cannot conveniently be classified and entered in the record-books above named.
- Register of letters received.** 580.. A *register of official letters received at the Consulate*, which shall embrace the following information: Name of the writer, number and date of letter, when received, its import, and remarks thereon, as prescribed in Form No. 118.
- Register of letters sent.** 581.. A *register of official letters sent from the Consulate*, stating the date and import of the letter, and the name of the person to whom sent, as prescribed in Form No. 119.
- Register of landing certificates.** 582.. A *register of landing or debenture certificates*, stating the name of the consignee, the date of the certificate, the merchandise, the name of the vessel, the port of shipment and the date of shipment (Form No. 134). A similar form will answer for tobacco or snuff.
- Record of commercial returns.** 583.. In seaports the following additional books will be used: A *record-book of commercial returns*, to be kept in accordance with Form No. 120, in which must be stated, in respect of vessels, the number, date of arrival, class, name, and tonnage of all American vessels, where belonging, whence from, whither bound, and date of clearance; and in respect of cargoes, both inward and outward, under distinct heads, as nearly as possible, the description, quantity, and value of the same.
- Seamen's register.** 584.. A *seamen's register*, in which shall be recorded a detailed list of all seamen shipped, discharged, or deceased at the Consulate or Commercial Agency, and the payments made on account of each, according to Form No. 124.
- Relief book.** 585.. A *relief book*, showing the number and names of all seamen relieved, from what vessel discharged, date and cause of discharge, and date of leaving the Consulate; embracing also the several amounts disbursed on their account, as particularly described in Form No. 94.
- Quarterly account book.** 586.. A *quarterly account-current book*, in which shall be recorded the account-current furnished quarterly to the Fifth Auditor, according to Form No. 100.



- 587**.. A *protest-book*, for the entry of notes of marine protests, in accordance with Form No. 37. Protest-book.
- 588**.. A *book for the entry of extended protests*, in accordance with Form No. 38. Extended protests.
- 589**.. A *daily journal* is to be kept, as prescribed in Form No. 135. Daily journal.
- 590**.. The following books will be provided by the Department, on the requisition of the principal Officer, for Consular Agencies, viz: For inland Agencies, a letter-book, fee-book, invoice-book; and at seaport Agencies, in addition, a protest-book, extended protest, and seaman's register and relief book. Books for Consular Agencies.
- 591**.. When a paper of any description shall be entered or recorded in either of the said books, the same shall be indexed by a reference both to the name of the author and the subject of the paper. Index.
- 592**.. The answers received to official letters, and all other papers transmitted to the Consulate, intended to be permanently kept there, shall be put in a proper place, labeled according to their subject-matter, until a sufficient number shall accumulate to form a volume; when they shall be bound and indexed in the same manner as is directed with respect to other records. Papers to be labelled.
- 593**.. The Consular books are to be kept distinct from those of the Consul's private affairs; and if the Consul is at liberty to transact business, his Consular business should, if possible, be transacted in a separate apartment from that in which his ordinary commercial or other affairs are carried on, designated by the arms of the United States exhibited at its entrance wherever such an exhibition of the arms is not prohibited by the local regulations. Official and private books.
- 594**.. All Consular Officers are instructed to take care that the archives are kept in proper order; and with this view, as well as to facilitate reference to previous correspondence, they will keep in their offices registers of all the documents, papers, letters, and books which have been, or which may be, at any time received, and also of those forwarded by them on matters connected with their official duties. Care of archives.
- 595**.. The originals of all dispatches and letters addressed to a Consular Officer, and copies of all that are written by What to be regarded as official documents.

him in his official capacity, including all official reports and returns, all books presented to the Consulate, or sent to it by the Department, also all the record-books, as described in this chapter, are to be considered as official documents, and are to be deposited among the Consular archives, after being duly registered, and are to be transferred with the effects of the Consulate, together with the seal, press, arms, and flag, and all other property belonging to the United States, to his successor in office.

## ARTICLE XXIX.

**Judicial Powers of Consular Officers in Oriental, Non-Christian, and Uncivilized Countries.**

Jurisdiction in  
Oriental countries,  
R. S., sec. 4083,  
4129.

**596.** It has already been stated that the Consular Officers of the United States in China, Japan, Siam, Borneo, Madagascar, Persia, Turkey, Tripoli, Tunis, Muscat, and Morocco enjoy exceptional and exclusive judicial powers. Reference is made to the former statements on this subject (paragraphs 98 and 101), and to the several treaties in the Appendix, for the particular jurisdiction conferred in each case. These powers are exercised by Consuls-General, Vice-Consuls-General, Consuls, and Vice-Consuls. Consular Agents are not deemed to be judicial officers within the intent of the statute.

In uncivilized  
countries,  
R. S., sec. 4088.

**597.** The Consuls and Commercial Agents of the United States at islands or in countries not inhabited by any civilized people or recognized by any treaty with the United States are also invested by statute with the power to hear and determine cases in regard to civil rights where the debt or damage does not exceed \$1,000, exclusive of costs; and also to issue warrants to arrest offenders, to arraign, try, and convict them, and to punish them to the extent of \$100 fine, or to imprisonment not to exceed sixty days. Their jurisdiction is the same as that pointed out in paragraph 610, and as provided for in section 4086 of the Revised Statutes.

Extension of ju-  
risdiction.  
R. S., sec. 4129.

**598.** Provision has also been made for the extension of the jurisdiction of Consular Officers in civil and criminal cases to countries with which the United States may hereafter enter into treaty relations. And by the act of Congress of

June 14, 1878, it is provided that whenever the United States shall negotiate a treaty with any foreign government, in which the American Consul-General or Consul shall be clothed with judicial authority, and securing the right of trial to American citizens residing therein before such Consul-General or Consul, and containing provisions similar to or like those contained in the treaties with Tripoli, Tunis, Morocco, Muscat, and the Samoan or Navigator Islands, the provisions of Title XLVII, so far as they may be applicable, shall have full force in reference to said treaty, and shall extend to the country of the government negotiating it.

**599**.. The provisions of Title XLVII of the Revised Statutes, in relation to the judicial powers of Consular Officers, apply directly to the Consulates in China, Japan, Siam, Egypt, and Madagascar.

R. S., sec. 4083.

**600**.. They apply in terms to Turkey, so far as they relate to crimes and offenses; and as to civil cases, so far as the laws of Turkey permit. The Government of the Sublime Porte maintains that there is a discrepancy between the English and Turkish texts of the treaty of May 7, 1830, and that the Turkish text should govern. While denying the correctness of this proposition, it is thought that Consular Officers in the Ottoman dominions should aim to avoid raising questions which may make it necessary to provoke discussion on this point.

In Turkey.  
R. S., sec. 4125.

**601**.. The Government of the Khedive of Egypt having, with the consent of the foreign Consuls, organized a system of jurisdiction by mixed courts, Congress authorized the President to suspend the act of 1860 as to that country, and to accept the jurisdiction of the mixed courts during the pleasure of the President. Notice has been given that the President has accepted the jurisdiction of these courts, and they are now in operation.

Act of March 23,  
1874.

**602**.. The provisions of this Title extend also to Persia in respect to all suits and disputes which may arise between citizens of the United States therein. All suits and disputes arising in Persia between Persian subjects and citizens of the United States are to be carried before the Persian tribunal to which such matters are usually referred, at the place where a Consul or Agent of the United States may reside,

Persia.  
R. S., sec. 4126.

and shall be discussed and decided according to equity, in the presence of an employé of the Consul or Agent of the United States. It is made the duty of the Consular Officer to attend the trial in person, and see that justice is administered. All suits and disputes in Persia between citizens of the United States and the subjects of other foreign powers are to be tried by the intermediation of their respective Ministers or Consuls, in accordance with such regulations as shall be mutually agreed upon between the respective Ministers. These regulations are to be submitted to the Secretary of State.

In other countries.  
R. S., sec. 4127.

**603.** In like manner the provisions of the Title are extended, so far as they are in conformity with the stipulations of existing treaties, to Tripoli, Tunis, Muscat, and Morocco. And should a Consul be appointed in Borneo, the judicial powers conferred by the ninth article of the treaty of June 23, 1850, will be exercised, as far as possible, in conformity with the provisions of the statute.

Duties of Secretary of State.  
R. S., sec. 4128.

**604.** If at any time there be no Minister in either of the countries mentioned in the Title, the judicial duties imposed by its provisions upon the Minister shall devolve upon the Secretary of State, who is authorized and required to discharge them.

#### MIXED COURTS.

Tunis, Morocco,  
Tripoli.

**605.** In Tunis, Morocco, and Tripoli, citizens of the United States committing murder or homicide upon a subject of those powers are to be tried by a mixed court, at which the Consul is to "assist."

Ottoman Porte.

**606.** The undisputed portion of the fourth article of the treaty of 1830 with the Ottoman Porte provides for the supervision of the American dragoman in the hearing of all litigations and disputes arising between the subjects of the Sublime Porte and citizens of the United States. It is not in dispute that the usages observed toward other Franks are to be observed toward citizens of the United States. These usages are believed to be the following :

1. Turkish tribunals for questions between subjects of the Porte and foreign Christians.

2. Consular Courts for the business of each nation of foreign Christians.

3. Trial of questions between foreign Christians of different nations in the Consular Court of the defendant's nation.

4. Mixed tribunals of Turkish magistrates and foreign Christians, at length substituted in part for cases between Turks and foreign Christians.

5. Finally, for causes between foreign Christians, the substitution at length of mixed tribunals in place of the separate courts—this arrangement introduced at first by the legations of Austria, Great Britain, France, and Russia, and then tacitly acceded to by the legations of other foreign Christians.

**607.**..Whatever favorable usage may be observed toward subjects of Great Britain, France, Austria, Italy, Russia, Germany, or of any other great power, must be claimed and insisted upon in favor of citizens of the United States; for by the first article of the treaty of February 25, 1862, between the United States and the Ottoman Empire, it is agreed that all rights, privileges, and immunities granted to the subjects of any other foreign power shall be equally granted to and enjoyed by the citizens of the United States.

The most favorable usage to be claimed.

**608.**..The revised treaty with China of 1858 also provides that if controversies arise between citizens of the United States and subjects of China which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction.

Treaty of 1858 with China.

**609.**..The modes of proceedings and the laws by which Consular Officers are to be governed are prescribed or provided for by the statute. Reference is to be made to the text of the statute, some of the leading provisions only being noticed in this connection.

Modes of proceedings.

WHAT LAWS TO GOVERN PROCEEDINGS.

**610.**..The jurisdiction is to be exercised in conformity, 1st, with the laws of the United States; 2d, with the common law, including equity and admiralty; and, 3d, with decrees and regulations, having the force of law, made by the Ministers of the United States in each country, respectively,

Jurisdiction, how exercised.  
R. S., sec. 4086.

to supply defects and deficiencies in the laws of the United States, or the common law, as above defined.

**611.**.. This power of the Ministers to make laws and regulations is limited, by construction of the Department, to acts necessary to organize and give efficiency to the courts created by the act.

Powers of Ministers as to regulations.  
R. S., sec. 4086.

**612.**.. The authority of a Minister to make regulations having the force of law within the country to which he is accredited is derived from statute. The statute confers upon him no authority to make a regulation requiring citizens of the United States to register their names, and no power to enforce such a regulation judicially. The authority conferred by the statute is defined to be a *judicial* authority. The Minister is required to execute the power in *conformity with the laws of the United States*, with authority to supply defects and deficiencies in two cases only: 1. Where those laws are not adapted to the exercise of the judicial authority conferred by the statute; 2. Where they are deficient in the provisions to furnish suitable remedies. In each of these contingencies the Minister has authority to make regulations in order "*to furnish suitable and appropriate remedies,*" and for no other purpose whatever. Every power named in the statute in this respect is conferred upon the Minister, "*in order to organize and carry into effect a system of jurisprudence.*"

#### FORMS OF PROCEEDINGS.

Forms of proceedings.  
R. S., secs. 4117,  
4120.

**613.**.. It is provided that the Ministers, with the advice of the several Consuls, shall prescribe the forms of all processes to be issued from the Consular Courts, the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs to be allowed to the prevailing party, and the fees to be paid for judicial services; the manner in which all Officers and Agents to execute process shall be appointed and paid; the form of bail bonds, and the security which shall be required from the party who appeals from the decision of a Consul. And from time to time he is required to make such further decrees and regulations as may be necessary. It is his duty also to

establish a tariff of fees for judicial services, to be paid by such parties and to such persons as he shall direct.

**614**.. The forms and practice in each Consular Court have now become settled by usage. Each Consul will conform to them. Should he find defects in any part of the existing system, he will call the attention of the Diplomatic Representative of the United States to them. The power of directing a change is vested in that Officer by law. The Rules and Regulations prescribed for the Consular Courts in China and Turkey will be found in Appendix VII.

#### LIMITATION OF CONSULAR JURISDICTION.

**615**.. The power of commencing original civil and criminal proceedings is vested in Consular Officers exclusively, except that capital cases for murder or insurrection against the government of either of the countries named in the statute by citizens of the United States, or offenses against the public peace amounting to felony under the laws of the United States, may be tried before the Minister of the United States in the country where the offense is committed, if allowed jurisdiction; and except also that original jurisdiction is vested in said Ministers, respectively, in cases where a Consular Officer shall happen to be interested either as party or witness.

**616**.. They can also, sitting alone, determine all criminal cases where the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed ninety days; and may impose fines to the extent of fifty dollars, or imprisonment not exceeding twenty-four hours, for contempt committed in the presence of the court, or for failure to obey a summons. But a Consul, sitting alone for the trial of offenses and misdemeanors, shall decide finally all cases where the fine imposed does not exceed one hundred dollars, or the term of imprisonment does not exceed sixty days.

**617**.. They may also, when of opinion that legal questions may arise in which assistance may be useful, or that a severer punishment is required, summon associates, not more than four in number, taken by lot from a list to be previously approved by the Minister, to sit with them on the trial, each of whom is to enter upon the record his judgment and opin-

In Consular Courts.

Powers of Consuls.  
R. S., secs. 4087, 4090, 4109.

R. S., secs. 4089, 4104, 4105.

R. S., sec. 4106.

ion, and to sign the same; but the Consul himself gives the judgment in the case, whether it accords with that of his associates or not.

R. S., secs. 4102,  
4106.

**618.**..In trials for capital offenses, there must be not less than four associates, who must all agree with the Consul in order to convict, and the opinion must be approved by the Minister before there can be a conviction.

R. S., sec. 4107.

**619.**..They have exclusive jurisdiction in civil proceedings where the damage demanded does not exceed five hundred dollars.

R. S., sec. 4107.

**620.**..When the amount demanded exceeds five hundred dollars, or when the Consul thinks the case involves legal perplexities, and that assistance will be useful, he may summon to his aid not less than two nor more than three associates, to be selected from a list of persons nominated by the Consul for the purposes of the act to the Minister, and approved by him. They shall hear the case with him. The Consul, however, is to give the judgment. If they agree with him, the judgment is final. If they or any of them disagree, the opinions of all are to be noted on the record and subscribed by them, and the judgment of the Consul is then subject to appeal.

Punishment to  
conform to United  
States laws.

**621.**..In the infliction of punishments on persons convicted in Consular Courts, Consular Officers will be governed by the provisions of the statutes of the United States prescribed for similar offenses, and will be careful that the sentence in each case is in conformity thereto.

Settlement of con-  
troversies.  
R. S., sec. 4098.

**622.**..It is the duty of Consular Officers to encourage the settlement of controversies of a civil character by mutual agreement, or by submitting them to the decision of referees; and the form of such submission is to be acknowledged before the Consul. After hearing any case the referees are required to deliver their award sealed to the Consul, who is to open it in court. If he accepts the award he shall indorse the fact, and render judgment thereon. The parties, however, may always make a settlement before return is made to the Consul.

R. S., sec. 4099.

**623.**..In all criminal cases, which are not of a heinous character, it is made lawful for the parties aggrieved or concerned therein, with the assent of the Minister in the



country, or Consul, to adjust and settle the same among themselves upon pecuniary or other considerations.

**624**.. It is the duty of a Consular Officer after arrival at his post to make himself acquainted with the leading resident citizens of the United States, in order that he may nominate for the approval of the Minister a list of individuals for the purposes of the statute.

Associates.  
R. S., sec. 4106.

**625**.. The list should be full, so as to embrace, if possible, every interest in the community. It should be composed exclusively of citizens of the United States of good repute residing at the place. It should be sent to the Minister for approval. From time to time it should be revised. No person should be permitted to act as an associate on a trial who has any interest, direct or contingent, in the result of the suit.

List of associates.

APPEALS.

**626**.. The Minister is authorized to hear and decide all cases, criminal and civil, which may come before him by appeal, and to issue all processes necessary to execute the power conferred upon him; and he is fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby. And he may also prescribe the rules upon which new trials may be granted, either by the Consul or by himself, if asked for upon sufficient grounds. Provision is also made for appeal in certain cases from the decision of the Minister to the circuit court for the district of California.

Appeals.  
R. S., secs. 4091,  
4093, 4094, 4095.

**627**.. An appeal may be taken to the Minister from a decision of a Consul acting alone, where the fine exceeds one hundred dollars or the term of imprisonment for misdemeanor exceeds sixty days.

Appeal to Minister.  
R. S., sec. 4089.

**628**.. If associates sit with the Consul in criminal proceedings (except capital and except in the case mentioned in the preceding paragraph), an appeal can be taken to the Minister only in the event of disagreement between the Consul and any of the associates.

When associates sit.  
R. S., sec. 4106.

**629**.. In civil proceedings an appeal can be taken to the Minister only in cases in which associates sit with the Consul, and in which there is a disagreement of opinion.

In civil proceedings.  
R. S., sec. 4107.

To Minister and  
circuit court.  
R. S., sec. 4092,  
4093.

**630.**.. An appeal may be taken to the Minister from final judgment in the Consular Courts of China and Japan, where the matter in dispute exceeds five hundred dollars, but does not exceed two thousand five hundred dollars, exclusive of costs; and where the matter exceeds two thousand five hundred dollars, exclusive of costs, the appeal may be taken to the circuit court for the district of California.

#### MARSHALS, JAILS, ETC.

Marshals, jails, &c.  
R. S., sec. 4111.

**631.**.. Provisions are made by law for the appointment of Marshals to Consular Courts to execute all process issued by the courts. They are to give bonds for the faithful performance of their duties (Form No. 136), and to make quarterly returns to the Secretary of State, showing the nature of each case determined in the Consular Court, the proceedings in connection therewith, and the disposition of the fines and fees (Form No. 137). They will also at the same time transmit to the Fifth Auditor for adjustment their accounts for compensation. The quarterly report of a Marshal should be sent to the Department of State by the Consul at the same time with other quarterly reports.

Vacancy in Mar-  
shalship.

**632.**.. In case there should be a vacancy in the office of Marshal at the Consulate to which one of the Marshals provided for by statute has been assigned, the Consul may appoint one for the time being under his hand and seal, reporting his action to the Department.

Jail at Shanghai  
and Kanagawa.  
R. S., sec. 4122,  
4123.

**633.**.. The Consul-General at Shanghai and the Consul-General at Kanagawa are to provide suitable buildings to be used as prisons for American convicts in China and Japan, respectively. Consuls at other Chinese and Japanese ports will be allowed a reasonable sum for the hire of constables and care of offenders, the amount of which will be fixed by the Secretary of State.

Report on candi-  
dation of estates of  
decedents.

**634.**.. Hereafter, Consular Officers charged with the judicial functions referred to in this article will be required to make a semi-annual report to the Department of State in the case of each estate of deceased American citizens that has come within their probate jurisdiction. The first report shall be made within six months after the death, and subsequent reports at the end of every six months; but the De-

partment may at any time call for special reports as it may deem proper. These reports will embrace the amount of the decedent's estate, both personal and real, the names of the parties interested, so far as known, the name of the administrator or of the executor, if there be a will, the exact amount of money that has come to the hands of the court, or to those of the administrator or executor, and if there has been any distribution of the estate, the amount of such distribution and to whom made, and the amount of all expenses, and court or other fees received. They should also contain a clear statement of the judicial proceedings in each case, together with any information that will enable the Department to reach an accurate understanding of its condition.

**635**.. Upon the entry on duty of a successor to a Consul, the outgoing Consul shall turn over to the former all moneys that may be in his hands belonging to the estates of deceased citizens, taking triplicate receipts therefor, one of which is to be retained by the outgoing Consul, one deposited in the Consulate, and the third transmitted to the Department of State. If a Consul is removed, or if he resigns and leaves his post before the arrival of his successor, the transfer of such moneys shall be made to the Vice-Consular Officer and like receipts taken.

Moneys of estates to be delivered up.

## ARTICLE XXX.

### Treasury Regulations.

**636**.. The instructions in this article have been carefully revised by the Treasury Department, and have the sanction of the Secretary of the Treasury. Consular Officers will take particular note of the forms in which several important changes have been made.

#### 1. AUTHENTICATION OF INVOICES OF IMPORTATIONS INTO THE UNITED STATES.

**637**.. All invoices of importations from countries in which there are such officers\* must, before the shipment of the mer-

Invoices, how authenticated.  
R. S., secs. 2843  
2844, 2854.

\*In countries without a United States Consular Officer, the authentication is made, 1st, by a Consul of a country in amity with the United States, who resides there; or, 2d, if there be no such Consul, then by two respectable resident merchants.

chandise, be produced to and authenticated by the United States Consular Officer nearest the place of shipment for the United States.

**638.** By the place of shipment is meant the place where the merchandise has been manufactured, finished, or finally prepared for exportation, and where the journey to the United States commences, and is not necessarily the place where it is actually put on board ship. Exceptions to this rule may be made in cases where the principal offices of the shippers are in one place while the goods are manufactured at, or shipped from, another place; as, for instance, where the merchant resides in London and has his manufactory at Glasgow, invoices of such goods shipped from Glasgow to the United States may be certified by the Consular Officer at London. In all such cases, however, both the place of consular certification and place of actual shipment must be within the limits of the same country or political domain.

**639.** But no Consular Officer of the United States shall grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States which have passed a Consulate after purchase for shipment. In countries adjacent to the United States the authentication may be by the Consular Officer at or nearest to the port or place of clearance for the latter, provided the merchandise shall not have passed a Consulate *after purchase for shipment*.

**640.** Consular certificates are not required in connection with the entry of goods passing in transit through the United States to or from countries adjacent thereto under combined entry for transportation and exportation, such goods not being considered as ordinary importations. See paragraph 670 for rules as to sealing and manifesting of goods.

**641.** All such invoices must be in triplicate; the three copies to be regarded as *one invoice*, and subject to only one charge for Consular certificate.

The invoices, however, will be made in quadruplicate, and two of the copies, after authentication, will be delivered to the person producing them, in all cases where the merchandise is intended for transportation, without appraisal, to any of the following-named ports mentioned in section 7 of the act of June 10, 1880, viz: To Genesee (Roches-

Invoices from  
Canada.  
R. S., secs. 2856,  
2861.

Certificate not re-  
quired for goods in  
transit.

Invoices to be in  
triplicate.  
R. S., sec. 2858.  
Act of June 10,  
1883.

ter), New York and Buffalo, N. Y. ; Burlington, Vt. ; Boston, Mass. ; Providence, R. I. ; New Haven, Hartford, and Middletown, Conn. ; Philadelphia and Pittsburgh, Pa. ; Baltimore, Md. ; Wilmington, Del. ; Georgetown, D. C. ; Norfolk and Richmond, Va. ; Wilmington, N. C. ; Charleston, S. C. ; Savannah, Ga. ; New Orleans, La. ; Portland and Bath, Me. ; Portsmouth, N. H. ; Chicago, Ill. ; Detroit and Port Huron, Mich. ; Saint Louis, Mo. ; Saint Paul, Minn. ; Cincinnati, Cleveland, and Toledo, Ohio ; Milwaukee, Wis. ; Louisville, Ky. ; San Francisco and San Diego, Cal. ; Portland, Oreg. ; Memphis Tenn. ; Mobile, Ala. ; and Galveston, Tex.

**642.** The authentication must be by certificate under the Consular seal, and must be either indorsed on each copy of the invoice, or attached by tape, cord, or ribbon, passed under the seal in such manner as to secure integrity.

Mode of authentication.  
R. S., -ec. 2855.

**643.** The certificate must state that the invoice has been produced to the officer certifying; also the date of such production, the name and identity of the person producing, and the intended port of destination of the merchandise in the United States, as declared by such person.

Contents of certificate.  
R. S., sec. 2855.

**644.** It is desirable that it should also, as far as practicable, indicate the facts in regard to market values at the principal markets of the country of all merchandise the duty on which is in any respect or part based on such values. (See note to paragraph 654.)

Market values.

**645.** The statutes fully recognized the solemnity of these certificates, and the importance of Consular fidelity in regard to them; but Consular Officers are not to consider themselves authorized absolutely to withhold their certificates, *even* when they believe the cost or market-values set forth in the invoice to be too low. The form of Consular certificate is given in Form No. 140.

Certificates not to be refused.  
R. S. secs. 1715, 2855, 2862.

**646.** But in all such cases they will, on due investigation, certify on the invoice what, in their opinion, is such true market value, and let the importer take the hazard of satisfying the customs officers of the contrary. To facilitate this, every invoice should, upon its face, at the right-hand margin, have a blank column for "Consular corrections of invoices," in which, when he deems it necessary, the Consu-

Consular corrections.

lar Officer may enter in figures what he regards as the true values at the principal markets of the country, and certify accordingly. He must also immediately advise the Department of State of the grounds on which he bases his judgment.

Market-value to be ascertained.

**647.** It is the duty of Consular Officers to acquaint themselves as thoroughly as possible with market-values at the principal markets of their districts; with the weights, measures, tares, bounties, &c., there used; and in general with all requisites to enable them to certify intelligently. They may retain invoices for a reasonable time for proper inquiry.

**648.** To judge correctly the market-value of any given article, it will often be important to inquire carefully as to prices in sales thereof for other markets than our own. When the United States are the only or principal consumers, and fictitious sales to create nominal values are detected, Consuls should ascertain the actual cost of production, and add the customary percentage for profits. In such cases especial care is enjoined as to certificates.

Samples required.

**649.** They will, in all proper cases, and particularly as to textile fabrics, require samples of the merchandise to be deposited with them, especially when the invoice descriptions of merchandise are not specific and full enough to enable them, or customs officers, intelligently to judge of the market-value without inspection of the merchandise itself. It is particularly enjoined upon Consular Officers in Great Britain, France, Switzerland, Italy, Austria-Hungary, Belgium, Germany, China, and Japan, generally to require samples of all merchandise imported from these countries, of a nature to be sampled.

Sample cards.

**650.** All samples must be accompanied by a card (see Form No. 147) or statement, which, if practicable, shall be attached thereto, containing the particulars indicated on the form prescribed by the Department, including the certificate at the bottom thereof, which must be signed by the shipper or his agent; and samples of textiles and fibrous goods must be in triplicate, and of such size as may be indicated by the proper revenue officer of the Treasury Department.

**651**.. One of the triplicate samples should be retained at the Consulate, one sent to the office of the Board of General Appraisers in New York, and one sent to the collector of customs of the port of destination of the goods. Samples, how disposed of. All other samples, when not too bulky, heavy, or fragile, should be forwarded to the collector of the port to which the merchandise is destined at the same time with the triplicate invoice. But in all cases it is left to the judgment of the Consular Officer to determine whether it is practicable or proper that samples should be called for from shippers for such purpose, or whether more than one sample should be required. As to standard articles of uniform character and well known to the trade, occasional samples will be sufficient, and a like discretion will be exercised. Samples must, in all cases when practicable, be sent to the General Appraisers when requested by them, or either of them.

**652**.. All samples must be carefully preserved, together with the cards or statements accompanying them, and must not be suffered to be inspected or seen by others than officers or agents of the Government, except in cases of exhibition for the purpose of ascertaining or establishing the market-value or price; in which case the name of the shipper will not be made known. Samples must be preserved.

**653**.. Every invoice must be signed by the owners or shippers of the merchandise invoiced, if the same has been actually purchased; or by the manufacturers or owners, if the same has been otherwise obtained; or, if in either case this is impracticable, then by a duly authorized agent. (See paragraph 656.) Invoices, how executed.

**654**.. It must, when produced to the Consul, be indorsed with a declaration signed by such purchaser, manufacturer, owner, or agent, setting forth— R. S., sec. 2854

(a) That it is in all respects true.

(b) That no different invoice of the articles therein mentioned has been, or will be, furnished to any one.

(c) That it sets forth the actual quantity, respectively, of all articles therein named which are subject to specific duty.

(d) That as to all articles therein named, which are subject, either wholly or partly, to a duty based upon their value, and obtained by purchase, it contains a true and full

statement of the time and place of purchase, their actual cost, and all charges upon them in the currency paid therefor; *and, when otherwise obtained, the actual market-value thereof, respectively, at the principal markets of the country in which they were obtained or manufactured.\** Shippers of goods subject, either wholly or partly, to a duty based upon their value, must in all cases be required to state, *separately*, upon their invoices the following items, viz:

- 1°. The market-value of the merchandise;
- 2°. The cost of transportation to port of shipment and the costs of shipment;
- 3°. The amount of packing charges, including cartons; and
- 4°. Commissions, &c.

(e) That no discounts, bounties, or drawbacks are contained in said invoice but such as have been actually allowed (Forms Nos. 133, 139, and 145).

Declaration and  
verification.  
R. S., secs. 2853  
to 2862.

**655.** This declaration on the part of the owner, manufacturer, purchaser, or agent, whether under oath or not, is the verification of the invoice before shipment recognized and prescribed by the statutes, and must not be confounded with consular authentication. In cases where the party making the declaration resides at a remote distance from the Consulate where the invoice is to be authenticated, the declaration may be made before any other Consul. This is not, however, to be understood as superseding the existing practice of requiring the personal presence of the party making the declaration before the Consul authenticating the invoice except in the cases mentioned, nor as changing the rule that invoices must be authenticated by the Consular Officer nearest the place of shipment. What Consular Officer shall certify goods transported to, and imported from, intermediate ports in other countries, depends upon the fact of the original destination of the goods, as shown by the original invoices thereof, or other primary evidence.

Declaration, by  
whom made.  
R. S., sec. 2854.

**656.** The declaration should, if possible, be made by the actual owner, manufacturer, or shipper of the merchandise. No agent must be permitted to make it, or otherwise verify

\*Clignot's Champagne, 3 Wall., 114; St. Marceaux's Champagne, 1 Ben., 241; also 2 Brightley's Digest, 255, notes.



the invoice, without having first filed with the Consul a duly-executed power of attorney, authorizing him to act for and bind his principal. (See paragraph 653). If, however, the agent is a partner acting in behalf of his firm, a copy of the articles of copartnership, authenticated to the satisfaction of the Consul, may, if desired by the firm, be substituted. A form of power of attorney is given in Form 104.

**657.**.. When a verification by oath or affirmation of the owner, shipper, manufacturer, or agent is deemed necessary by the Consular Officer, the affiant may, in countries where an oath, to be of legal force, must be taken before a local magistrate, or other officer, take the same before any such officer. The language and form of the oath, if taken by foreigners, should be those of their country. If Consular Officers in China and Japan shall be satisfied, in any case, that it is not practicable to take the oath required by law, they may authenticate the invoice and proceed without the oath, as in cases where none is required; leaving all questions in regard thereto to be disposed of by the proper authorities in the United States.

Oaths, how taken.  
R. S., secs. 2843,  
2862.

**658.**.. Consular Officers are forbidden to be in any way interested in the fees, or to interfere with the selection of such magistrate or other officer. They may, in their discretion, on points on which they are in doubt, examine experts and others, either on affidavit or orally, without charge or expense to the United States Government.

Fees: experts  
may be examined.

**659.**.. To facilitate the operations of the custom-house, Consuls will take care that, when practicable, all invoices are properly folded and indorsed, and all blanks properly filled.

Invoices to be  
folded and indorsed.

**660.**.. One invoice must not embrace merchandise shipped by two or more vessels.

Limitation.

**661.**.. Every invoice must truly state quantities in the weights and measures of the country or place from which the importations are made, without respect to those of the United States, and should set forth the quantity by weight of all woolen, worsted, mohair, and mixed goods (excepting carpeting and bunting); also of cotton-bagging, of crinoline, of corset, and hat steel wire, and the quantity by weight, measure, or tale, respectively, of all other goods the duty on which is estimated partly on either weight, measure, or tale.

True quantities,  
weights, &c., to be  
stated.

**Foreign currencies.** **662.**.. When the value of a foreign currency mentioned in the invoice is not fixed in pursuance of United States laws, as set forth in the annual estimates of values (Form No. 148), or shall be depreciated, or have been debased subsequently to the passage of such laws, the invoice must be accompanied by a Consular certificate (Form No. 144), showing the value of such currency in United States gold dollars. No such certificates are required as to invoices of Swiss goods, made out in the *franc federal*; the franc of France being the standard value thereof.

**Triplicate copies; how disposed of.**  
R. S., sec. 2855. **663.**.. The Consular Officer must return one of the triplicates to the person producing them; file one in his office for careful preservation; and, as soon as practicable, transmit the remaining one directly to the collector of the port of destination of the merchandise, either by the master of the vessel in which shipment is made or by mail, and without the intervention of any party in interest.

**Collector's copy.** **664.**.. Prior to forwarding the last-named copy, the Consul shall stamp, near the bottom of its first page, at the left-hand corner, and upon his certificate (on which he shall personally write his name), the amount of the invoice, its Consular number, the name of the Consulate, and the amount and number of the fee received for the Consular authentication.

**How sent to collectors.** **665.**.. The said copy (or copies, if there are two or more invoices to be forwarded by the same vessel or mail) must then be placed in an envelope, carefully addressed to the collector, and stamped with the name of the Consulate and the date. The blank for the numbers of the invoices must be filled in writing. A small silk cord or narrow ribbon must then be passed through the envelope, near the ends and sides, and under the Consular seal, with which the envelope must be carefully sealed (Form No. 142).

**Descriptive lists.** **666.**.. When invoices are transmitted from a Consulate in the interior, or place of purchase, or manufacture, to the Consul of the port of shipment therein designated, to be thence forwarded to the proper collector, the package must be accompanied with a descriptive list to facilitate comparison with the ship's manifest, before taking the master's receipt, as per Forms Nos. 141 and 143. The latter Consul must see that

the integrity of the package is duly secured in the manner prescribed in the preceding paragraph

**667.**..The copy filed in the Consulate must be carefully folded, and indorsed with its number, date, the name of the owner or shipper, and the name of the vessel in which the merchandise is shipped. Forms of the invoice book required to be kept by Consular Officers, and the digest of its contents to be sent to the Department of State are given in Forms Nos. 117 and 133.

Copy retained in Consulate.

**668.**..Consular Officers will, on request of the proper collectors, supply them, free of charge, with copies of any such documents on file in their offices as they may need in the discharge of their official duties. Copies prepared by other persons for their own use will, on request, be certified on payment of two dollars. When, however, duplicates of originals are required, or the copy is prepared by the Consul, the schedule fee will be exacted as for original service. They are also required to furnish to the Secretary of the Treasury, or to such officers of the customs as he may direct, as often as may be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which the Consular Officer is stationed.

Copies for collectors and others.

**669.**..If a Consular Officer ascertains and has reliable evidence of the falsity of an oath, administered either by himself or by a local magistrate whose certificate he has authenticated, he should notify the Treasury Department; which will transmit to him the original invoice and oath, to be used, if deemed expedient, in a prosecution for perjury. He should also promptly inform the Treasury Department, and the collector of the port to which goods may be destined, of all errors and frauds discovered in invoices that have been certified by him.

False oath to invoice.

**670.**..The statute authorizes the Secretary of the Treasury to make regulations for sealing vessels, cars, and other vehicles coming into the United States with dutiable merchandise from any contiguous foreign lands or countries. The declaration to be made in such case is shown in Form No. 146.

Sealing cars.

## FREE ENTRY OF PRODUCTS OF AMERICAN FISHERIES.

Invoice of fish,  
bone, &c.  
Act of March 2,  
1861.

**671.**.. Fish, oil, bone, pearl-shells, and all other products of American fisheries brought into the United States from foreign places, in a vessel other than the one by which the same were taken, will be admitted to free entry only on the production to the collector of customs at the port of importation, by the master of the importing vessel, of a manifest of said articles, duly subscribed and sworn to by the master of the fishing vessel by which such articles were taken, and certified by the United States Consular Officer at the foreign port where the transshipment of such articles occurred. Such manifest and certificate will be in the form given, respectively, in Forms Nos. 157 and 158.

When landed at  
Panama.

**672.**.. Articles the product of American fisheries in the Pacific may be landed from the fishing vessel at Panama, New Granada, and transported across the Isthmus of Panama, and shipped to a port of the United States, on the Atlantic or Gulf of Mexico, and be treated on arrival as if imported direct from the whaling or fishing ground in the original vessel, on due compliance with these Regulations. A manifest must be made out and verified in the manner above indicated. The United States Consul at Panama, or the revenue inspector, if there be one, will examine the packages, and make comparison thereof with the manifest, and certify thereon the result under his hand and official seal, stating in his certificate that the articles so manifested were placed, under his inspection, on the cars or other vehicles for transportation to the port or place of shipment on the Atlantic side. On arrival of the articles at the Atlantic terminus of the route, the manifest aforesaid must be presented to the United States Consul at Aspinwall, or to the revenue inspector, if there be one, who will certify thereon to the due shipment of the same under his inspection on board the vessel, naming the vessel and her master, for its destination in the United States. Like proceedings will be had in case of products of American fishery transported by the route of San Juan de Nicaragua.

Free entry of  
breeding animals.  
R. S., sec. 2565.

**673.**.. Provision has been made by law for the free entry into the United States of animals from beyond the seas when

imported for breeding purposes. The customs regulations require in such cases that the owner of the animals shall produce to the collector at the port of importation a certificate from the Consular Officer of the United States at the port of shipment, showing that the animals are, to the best of his information and belief, intended for such purpose, and also a statement of the owner, under oath, that the animals were purchased abroad and imported into the United States especially for breeding purposes. The collector must also be satisfied that the animals are of superior stock, adapted to improving the breed in the United States. The term "beyond the seas" is held to apply to any territory beyond the limits of the United States. The form of the owner's statement and the Consular certificate will be found in Form No. 66.

**674.** The statute also provides for the free admission of the teams of animals, including tackle and harness, and the wagons, sleighs, or other vehicles drawn by such teams, when brought into the United States by emigrants. In such cases the emigrant must produce to the collector of customs at the port of importation an affidavit showing that the same have been in actual use by him abroad; that they are at the time in actual use for the purpose of emigration; and that they are brought into the United States for his own use and not for sale. The affidavit may be made before a collector of customs, or a Consular Officer, or before any local official qualified to administer oaths. No formal Consular certificate is required; but if the papers for such an entry are executed before a Consular Officer they should be in the form prescribed in Form No. 93. No greater fee than fifty cents shall be collected by a Consular Officer for the services rendered in such cases under any pretext, and his services shall include the necessary blanks and the preparation of them when required.

**675.** The statute provides for the entry at ports of the United States, free of duties, of paintings, statuary, fountains, and other works of art, the production of American artists. The fact of such production must be verified by the certificate of a Consul or Minister indorsed upon the written

Entry of effects of emigrants.  
R. S., sec. 2505.

Paintings, statuary, &c.  
R. S., sec. 2505.

declaration of the artist. The forms applicable to such cases will be found in Forms Nos. 155 and 156.

Lumber imported  
on tows of barges.

**676**. It frequently happens, in regard to the importation of lumber from countries adjacent to the United States, that the lumber is imported in two or more canal boats or barges towed by a single steamer. The regulation under which authority was given to shippers to embrace in a single Consular certificate the lumber on all the boats or barges of a tow has been rescinded. Hereafter a separate Consular certificate will be required for the lumber on each boat or barge of a tow.

Shipments of mer-  
chandise under \$100  
in value.

R. S., secs. 2853  
to 2855, 2859, and  
2860.

**677**. Representations have from time to time been received at the Department of State that shipments of general merchandise are often divided into small lots, in order to bring each lot under the value of one hundred dollars, for the purpose of securing entry at the custom-house without the production of Consular invoices. This division of shipments has, in some quarters, grown into a general practice, and has been encouraged hitherto by the admission of such un-invoiced goods without special inquiry as to the reasons for the failure to produce verified invoices. At the instance of that Department the attention of customs officers has been called by the Secretary of the Treasury to section 2860 of the Revised Statutes, which provides that, except in the cases mentioned in the four preceding sections, no merchandise shall be admitted to entry from any foreign country unless an invoice is presented conforming to the requirements of sections 2853 to 2855 of the Revised Statutes. The principal exception to this rule is found in section 2859 of the Revised Statutes, which provides that whenever the value of imported merchandise does not exceed one hundred dollars, the collector at the port of arrival may admit it to entry without the production of a Consular invoice, if he is satisfied that the neglect to produce such invoice was unintentional and that the importation was made in good faith, and without any purpose of defrauding or evading the revenue laws.

Treasury circular  
of July 24, 1880.

**678**. Circular instructions were issued to collectors of customs enjoining them, where an entry of merchandise valued at less than one hundred dollars is presented, to make

due examination is order to ascertain whether the failure to produce a Consular invoice was unintentional, and otherwise free from the objections specified in the statute. Where the merchandise is not clearly entitled to the privilege of entry without Consular invoice, they are directed to require a bond for the production of such invoice in the usual manner. Shipments of small quantities of butter, eggs, garden produce, and other like articles brought to the United States by parties living along the border, and who are producers of the same, have been heretofore considered as not being subject to the requirements of Consular invoices, and no objection will be made to a continuance of this rule.

## 2. RELATIONS BETWEEN CONSULAR OFFICERS AND REVENUE AGENTS.

**679.** Consular Officers will confer freely with the Treasury Revenue Agents who may be appointed to visit and examine the Consulates. They will remember, however, that these agents have no authority to instruct them as to their official acts. Consular Officers will also render to such Revenue Agents every assistance in their power in the performance of their duties, giving them free access to the records and papers of their Consulates relating to trade with the United States; communicating to them promptly any information acquired by the former, showing or indicating actual or contemplated frauds in the exportation of merchandise to the United States, or which may be in any-wise useful to such agents in the prosecution of their inquiries or the performance of their duties; and generally co-operating with them therein, and particularly giving special attention to any invoices or merchandise in which, or in relation to which, such agents may advise them that there is reason to apprehend that fraud or irregularity has been or is likely to be committed. Where samples are susceptible of being divided, such agents will be entitled to one-half of any such sample on application therefor; and in all cases they will be entitled to make such use of samples as may be necessary to enable them to prosecute any inquiry, or procure any required proof, in the performance of their duties.

Consuls and Revenue Agents.

## 3. DEBENTURE AND LANDING-CERTIFICATES.

Debenture and  
landing-certificates.

**680.**.. An important duty of Consular Officers is the giving of debenture and landing-certificates for goods brought to their ports from this country, under export bonds, without payment of customs duties or internal taxes, or with benefit of drawback after payment of duties or taxes. To prevent frauds, they are cautioned not to certify without personal inspection, or undoubted proof of their truth. Such proof may consist of the production, whenever practicable, of the certificate of the collector of customs or chief revenue officer of the port where the merchandise has been landed.

Requirements.

**681.**.. For the discharge of the export bond covering imported merchandise, the exporter must produce a certificate from the consignees (Form No. 150) and joint affidavit of the master and mate of the exporting vessel (Form No. 153) and the certificate (Form No. 151) of the Consul of the United States at the port to which the goods were exported, verifying the consignee's certificate; or in case the latter certificate cannot be produced, a certificate from two merchants residing at the place to which the goods were exported (Form No. 152). He must also produce, whenever practicable, the certificate of the chief revenue officer or collector of the foreign port (appended thereto) under the hand and seal of that officer, certifying that the merchandise described has been landed and duly entered at the custom-house at said port, and that the duties imposed thereon by the laws of the country in which the port is situated have been fully paid or secured to be paid (Form No. 154). The fact that the oaths of the master and mate (Form No. 153) are wanting in a landing certificate does not debar the Consul from authenticating such certificate, he being satisfied that the same is correct.

Articles made  
from domestic alco-  
hol.  
Act of March 3,  
1879.

**682.**.. For the discharge of export bonds covering the exportation of articles manufactured in part from domestic alcohol, under the provisions of the twentieth section of the act of March 3, 1879, the same proof of shipment and like certificates, or other evidence of the landing of the manu-



factured articles at a foreign port, are required as in the case of bonds given to secure the exportation of imported merchandise withdrawn from warehouse.

**683**.. For the discharge of export bonds covering articles exported in bond under the internal-revenue laws of the United States, the importer must produce and deliver to the proper collector of customs, within the time limited in each bond, a landing-certificate embracing, in addition to the evidence required in other cases, evidence of the following description, viz :

**684**.. (1.) *The certificate of the chief revenue officer* or collector of the foreign port (appended to the foregoing) under the hand and seal of that officer, certifying that the merchandise described has been landed, weighed, and duly entered at the custom-house at said port, and that the duties imposed thereon by the laws of the country in which the port is situated have been fully paid, or secured to be paid (Form No. 154).

**685**.. (2.) The certificate of the Consular Officer of the United States residing at such port certifying to the truth of the statements set forth in the certificate of the consignee, and also that the person signing the foregoing certificate is the chief revenue officer of the port, and that his signature is genuine (Form No. 151).

**686**.. Where there is no United States Consular Officer residing at the foreign port of landing and delivery, this verification will be signed by two American merchants, if any such reside there, and in failure of both of these, by two respectable foreign merchants, in which case the blank must be filled up with the words "nor American merchants" (Form No. 152).

A register of landing-certificates is required to be kept by Consular Officers in the form given in Form No. 134.

## ARTICLE XXXI.

**When Consuls may ask Instructions from the Department.**

When instructions may be asked,

**687.**..The foregoing regulations are prescribed for the information and guidance of Consular Officers in the discharge of their official duties. It is expected that their provisions should be carefully examined before applying to the Department of State for instructions. When, however, after an examination of these regulations, and of any other instructions, special or otherwise, which they may have received, Consular Officers shall find themselves without directions how to act in any case, they may write to the Department. In all other cases they will be expected to act upon the regulations herein contained, and upon such other special instructions as they may from time to time receive.

APPENDIX No. I.

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TREATIES AND EXTRACTS FROM TREATIES  
RELATING TO CONSULAR OFFICERS.



# EXTRACTS FROM TREATIES AND CONVENTIONS REFERRED TO IN THE TEXT.

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## ARGENTINE REPUBLIC.

*Treaty concluded July 27, 1853 (Friendship, Commerce, and Navigation).*

### 688..ARTICLE IX.

\* \* \* \* \*

If any citizen of either the two contracting parties shall die without will or testament, in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul, in his absence, shall have the right to intervene in the possession, administration, and judicial liquidation of the estate of the deceased, conformably with the laws of the country, for the benefit of the creditors and legal heirs.

### 689..ARTICLE XI.

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but, before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

The archives and papers of the Consulates of the respective governments shall be respected inviolably, and under no pretext whatever shall any magistrate, or any of the local authorities, seize or in any way interfere with them.

The Diplomatic Agents and Consuls of the Argentine Confederation shall enjoy, in the territories of the United States, whatever privileges, exemptions, and immunities are, or shall be, granted to Agents of the same rank, belonging to the most favored nation; and, in like manner, the Diplomatic Agents and Consuls of the United States, in the territories of the Argentine Confederation, shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are, or may be, granted in the Argentine Confederation to the Diplomatic Agents and Consuls of the most favored nation.

**AUSTRIA-HUNGARY.**

*Consular Convention concluded July 11, 1870 (Rights, privileges, and immunities of Consuls.)*

**690..ARTICLE I.**

Each of the high contracting parties shall be at liberty to establish Consuls-General, Consuls, Vice-Consuls, or Consular Agents at the ports and places of trade of the other party, except those where it may not be convenient to recognize such officers; but this exception shall not apply to one of the high contracting parties without also applying to every other Power. Consuls-General, Consuls, and other Consular Officers appointed and taking office according to the provisions of this article, in one or the other of the two countries, shall be free to exercise the right accorded them by the present convention throughout the whole of the district for which they may be respectively appointed. The said functionaries shall be admitted and recognized respectively upon presenting their credentials in accordance with the rules and formalities established in their respective countries. The exequatur required for the free exercise of their official duties shall be delivered to them free of charge; and upon exhibiting such exequatur they shall be admitted at once and without interference by the authorities, Federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted.

**691..ARTICLE II.**

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors, and other Consular Officers, if they are citizens of the State which appoints them, shall be exempt from military billetings, from service in the military or the national guard, and other duties of the same nature, and from all direct and personal taxation, whether Federal, State, or municipal, provided they be not owners of real estate, and neither carry on trade nor any industrial business.

If, however, they are not citizens of the State which appoints them, or if they are citizens of the State in which they reside, or if they own property, or engage in any business there that is taxed under any laws of the country, then they shall be subject to the same taxes, charges, and assessments as other private individuals. They shall, moreover, enjoy personal immunities, except for acts regarded as crimes by the laws of the country in which they reside. If they are engaged in commerce, personal detention can be resorted to in their case only for commercial liabilities, and then in accordance only with general laws, applicable to all persons alike.

**692..ARTICLE III.**

Consuls-General, Consuls, and their Chancellors, Vice-Consuls, and Consular Officers, if citizens of the country which appoints them, shall not be summoned to appear as witnesses before a court of justice, except

when, pursuant to law, the testimony of a Consul may be necessary for the defense of a person charged with crime. In other cases the local court, when it deems the testimony of a Consul necessary, shall either go to his dwelling to have the testimony taken orally, or shall send there a competent officer to reduce it to writing, or shall ask of him a written declaration.

#### 693..ARTICLE IV.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be at liberty to place over the chief entrance of their respective offices the arms of their nation, with the inscription, "Consulate-General," "Consulate," "Vice-Consulate," or "Consular Agency," as may be. They shall also be at liberty to hoist the flag of their country on the Consular edifice, except when they reside in a city where the legation of their Government may be established. They shall also be at liberty to hoist their flag on board the vessel employed by them in port for the discharge of their duty.

#### 694..ARTICLE V.

The Consular archives shall be at all times inviolable, and under no pretense whatever shall the local authorities be allowed to examine or seize the papers forming part of them.

#### 695..ARTICLE VI.

In the event of incapacity, absence, or death of Consuls-General, Consuls, Vice-Consuls, their Consular Pupils, Chancellors, or Secretaries, whose official character may have been previously made known to the respective authorities in the United States, or in the Austro-Hungarian Empire, shall be admitted at once to the temporary exercise of the Consular functions, and they shall, for the duration of it, enjoy all the immunities, rights, and privileges conferred upon them by the convention.

#### 696..ARTICLE VII.

Consuls-General and Consuls shall have the power to appoint Vice-Consuls and Consular Agents in the cities, ports, and towns within their Consular districts, subject, however, to the approbation of the Government of the country where they reside. These Vice-Consuls and Consular Agents may be selected indiscriminately from among citizens of the two countries or from foreigners, and they shall be furnished with a commission issued by the appointing Consul, under whose orders they are to be placed. They shall enjoy the privileges and liberties stipulated in this convention. To Vice-Consuls and to Consular Agents who are not citizens of the State which appoints them, the privileges and immunities specified in Article II shall not extend.

## 697..ARTICLE VIII.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries may, in the exercise of their duties, apply to the authorities within their district, whether federal or local, judicial or executive, in the event of any infraction of the treaties and conventions between the two countries; also for the purpose of protecting the rights of their countrymen. Should the said authorities fail to take due notice of their application, they shall be at liberty, in the absence of any Diplomatic Representative of their country, to apply to the Government of the country where they reside.

## 698..ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries, also their Chancellors, shall have the right to take at their office, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own nation, of passengers on board of them, of merchants, or any other citizens of their own country. They shall have the power also to receive and verify, conformably to the laws and regulations of their country: 1st. Wills and bequests of their countrymen, and all such acts and contracts between their countrymen as are intended to be drawn up in an authentic form and verified. 2d. Any and all acts of agreement entered upon between citizens of their own country and inhabitants of the country where they reside. All such acts of agreement, and other instruments, and also copies thereof, when duly authenticated by such Consul-General, Consul, Vice-Consul, or Consular Agent under his official seals, shall be received in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up by competent public officers of one or the other of the two countries. Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the respective countries shall have the power to translate and legalize all documents issued by the authorities or functionaries of their own country, and such papers shall have the same force and effect in the country where the aforesaid officers reside as if drawn up by sworn interpreters.

## 699..ARTICLE X.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall be at liberty to go on board the vessels of their nation admitted to entry, either in person or by proxy, and to examine the captain and crew, to look into the register of the ship, to receive declarations with reference to their voyage, their destination, and the incidents of the voyage; also, to draw up manifests, lists of freight, to assist in despatching their vessels, and finally to accompany the said captains or crews before the courts and before the administrative authorities, in order to act as their interpreters or agents in their business transactions or applications of any kind. The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant-vessels without previous notice to the Consular authority of the nation to which the said vessels belong, in order to enable them to be present.



They shall also give due notice to Consuls, Vice-Consuls, or Consular Agents, in order to enable them to be present at any depositions or statements to be made in courts of law, or before local magistrates, by captains or persons composing the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice.

The notice to Consuls, Vice-Consuls, or Consular Agents shall name the hour fixed for such proceedings, and upon the non-appearance of the said officers or their representatives the case shall be proceeded with in their absence.

#### 700..ARTICLE XI.

Consuls, Vice-Consuls, or Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation. They shall have, therefore, the exclusive power to take cognizance of and to settle all differences which may arise at sea or in port between captains, officers, and crews in reference to wages and the execution of mutual contracts, subject in each case to the laws of their own nation. The local authorities shall in no way interfere, except in cases where the differences on board ship are of a nature to disturb the peace and public order in port or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance, except as aforesaid, the local authorities shall confine themselves to the rendering of forcible assistance, if required, by the Consuls, Vice-Consuls, or Consular Agents, and shall cause the arrest, temporary imprisonment, and removal on board his own vessel of every person whose name is found on the muster-rolls or register of the ship or list of the crew.

#### 701..ARTICLE XII.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall have the power to cause the arrest of all sailors or all other persons belonging to the crews of vessels of their nation who may be guilty of having deserted on the respective territories of the high contracting powers, and to have them sent on board or back to their native country. To that end they shall make a written application to the competent local authority, supporting it by the exhibition of the ship's register and list of the crew, or else, should the vessel have sailed previously, by producing an authenticated copy of these documents, showing that the persons claimed really do belong to the ship's crew. Upon such request the surrender of the deserter shall not be refused. Every aid and assistance shall, moreover, be granted to the said Consular authorities for the detection and arrest of deserters, and the latter shall be taken to the prisons of the country and there detained at the request and expense of the Consular authority until there may be an opportunity for sending them away. The duration of this imprisonment shall not exceed the term of three months, at the expiration of which time, and upon three days' notice to the Consul, the prisoner shall be set free, and he shall not be liable to rearrest for the same cause. Should, however, the deserter have committed on shore an indictable offense, the local authorities shall be free to postpone his extradition until due sentence shall have been passed and executed. The

high contracting parties agree that seamen, or other individuals forming part of the ship's crew, who are citizens of the country in which the desertion took place, shall not be affected by the provisions of this article.

#### 702..ARTICLE XIII.

In all cases where no other agreement to the contrary exists between owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, or Consular Agents of their respective nations, provided no interests of citizens of the country where the said functionaries reside, nor of citizens of a third power, are concerned. In that case, and in the absence of a friendly compromise between all parties interested, the adjudication shall take place under supervision of the local authorities.

#### 703..ARTICLE XIV.

In the event of a vessel belonging to the Government, or owned by a citizen of one of the two contracting States, being wrecked or cast on shore upon the coast of the other, the local authorities shall inform the Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the district of the occurrence, or if such Consular Agency does not exist, they shall communicate with the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in Austro-Hungarian waters shall be directed by the United States Consuls-General, Consuls, Vice-Consuls, or Consular Agents; also all proceedings relative to the salvage of Austro-Hungarian vessels wrecked or cast on shore in American waters shall be directed by Austro-Hungarian Consuls-General, Consuls, Vice-Consuls, or Consular Agents.

An interference of the local authorities in the two countries shall take place for the purpose only of assisting the Consular authorities in maintaining order and protecting the rights of salvors not belonging to the crew; also for enforcing the regulations relative to the import or export of the merchandise saved.

In the absence and until the arrival of the Consuls-General, Consuls, Vice-Consuls, or Consular Agents, or their duly appointed delegates, the local authorities shall take all the necessary measures for the protection of persons and preservation of the property saved from the wreck.

No charges shall be made for the interference of the local authorities in such cases, except for expenses incurred through salvage and the preservation of property saved, also for those expenses which, under similar circumstances, vessels belonging to the country where the wreck happens would have to incur.

In case of a doubt concerning the nationality of the wrecks, the local authorities shall have exclusively the management and execution of the provisions laid down in the present article.

The high contracting parties also agree that all merchandise and goods not destined for consumption in the country in which the wreck takes place shall be free of all duties.

**704..ARTICLE XV.**

Consuls-General, Consuls, Vice-Consuls, and Consular Agents, also Consular Pupils, Chancellors, and Consular Officers, shall enjoy in the two countries all the liberties, prerogatives, immunities, and privileges granted to functionaries of the same class of the most favored nation.

**705..ARTICLE XVI.**

In the case of the death of a citizen of the United States in the Austrian-Hungarian Monarchy, or of a citizen of the Austrian-Hungarian Monarchy in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the State to which the deceased belonged of the circumstance, in order that the necessary information may be immediately forwarded to the parties interested.

**706..ARTICLE XVII.**

The present convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Washington within the period of ten (10) months, or sooner, if possible.

In case neither of the contracting parties gives notice before the expiration of the said term of his intention not to renew this convention, it shall remain in force a year longer, and so on, from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

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**BELGIUM.**

*Treaty concluded December 5, 1868 (Rights, Privileges, and Immunities of Consuls).*

**707..ARTICLE I.**

Each of the high contracting parties agrees to receive from the other, Consuls-General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

**708..ARTICLE II.**

Consular Officers, on the presentation of their commissions in the forms established in their respective countries, shall be furnished with the necessary exequatur free of charge, and on the exhibition of this instrument they shall be permitted to enjoy the rights, prerogatives, and immunities granted by this convention.

## 709..ARTICLE III.

Consular Officers, citizens of the State by which they are appointed, shall be exempt from arrest except in the case of offenses which the local legislation qualifies as crimes, and punishes it as such; from military billetings, from service in the militia, or in the national guard, or in the regular army, and from all taxation, federal, State, or municipal. If, however, they are citizens of the State where they reside, or own property, or engage in business there, they shall be liable to the same charges of all kinds as other citizens of the country, who are merchants or owners of property.

## 710..ARTICLE IV.

No Consular Officer who is a citizen of the State by which he was appointed, and who is not engaged in business, shall be compelled to appear as a witness before the courts of the country where he may reside. When the testimony of such a Consular Officer is needed, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally, at his dwelling or office.

It shall be the duty of said Consular Officer to comply with this request, without any delay which can be avoided.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said Consular Officer shall be demanded, with all possible regard to the Consular dignity and to the duties of his office. A similar treatment shall also be extended to the United States Consuls in Belgium, in the like cases.

## 711..ARTICLE V.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or their dwelling-houses, the arms of their nation, with this inscription, "Consulate," or "Vice-Consulate," or "Consular Agency" of the United States, or of Belgium, &c., &c. And they may also raise the flag of their country on their offices or dwelling-houses, except in the capital of the country when there is a Legation there.

## 712..ARTICLE VI.

The Consular Offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a Consular Officer is engaged in other business, papers relating to the Consulate shall be kept separate.

## 713..ARTICLE VII.

In the event of the death, incapacity, or absence of Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister for Foreign Affairs in Belgium, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

## 714..ARTICLE VIII.

Consuls-General and Consuls may, with the approbation of their respective governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their Consular jurisdiction. These officers may be citizens of the United States, of Belgium, or other foreigners. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act. They shall enjoy the privileges stipulated for Consular Officers in this Convention, subject to the exceptions specified in Articles III and IV.

## 715..ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may complain to the authorities of the respective countries, whether federal or local, judicial or executive, within their Consular district, of any infraction of the treaties and conventions between the United States and Belgium, or for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular Officers aforesaid, in the absence of a Diplomatic Agent of their country, may apply directly to the government of the country where they reside.

## 716..ARTICLE X.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may take at their offices, at the residence of the parties, at their private residence, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which said Consular Officer may belong. Copies of such papers and official documents of every kind, whether in the original, copies, or translation, duly authenticated and legalized by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Belgium.

## 717..ARTICLE XI.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. Neither the Federal, State, or municipal authorities or courts in the United States, nor any court or authority in Belgium, shall, on any pretext, interfere in these differences.

## 718..ARTICLE XII.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, sailors, and all other persons making part of the crew of ships of war or merchant-vessels of their nation who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To that end, the Consuls of the United States in Belgium may apply to any of the competent authorities; and the Consuls of Belgium in the United States may apply in writing to either the Federal, State, or municipal courts or authorities, and make a request in writing for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said crew.

Upon such request alone, thus supported, and without the exaction of any oath from the Consular Officers, the deserters, not being citizens of the country where the demand is made at the time of their shipping, shall be given up. All the necessary aid and protection shall be furnished for the search, pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the Consular Officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again arrested for the same cause.

## 719..ARTICLE XIII.

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the port voluntarily or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries where they reside. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

## 720.. ARTICLE XIV.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of Belgium, and of Belgian vessels wrecked upon the coasts of the United States, shall be directed by Consuls-General, Consuls, and Vice-Consuls of the two countries, respectively, and, until their arrival, by the respective Consular Agents wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall immediately be informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

## 721.. ARTICLE XV.

In case of the death of any citizen of the United States in Belgium, or of a citizen of Belgium in the United States, without having any known heirs or testamentary executor by him appointed, the competent local authorities shall inform the Consuls or Consular Agents of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

## 722.. ARTICLE XVI.

The present Convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries, and exchanged at Brussels within the period of six months, or sooner, if possible. In case neither party gives notice, twelve months after the expiration of the said period of ten years, of its intention not to renew this Convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

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**BOLIVIA.**

*Treaty concluded May 13, 1858 (Peace, Friendship, Commerce, and Navigation).*

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## 723.. ARTICLE XXXI.

To make effectual the protection which the United States and the Republic of Bolivia shall afford in future to the navigation and commerce

of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

#### 724..ARTICLE XXXII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, immunities, and prerogatives which belong to them by their public character, they shall, before entering upon their functions, exhibit their commission or patent in due form to the government to which they are accredited, and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the Consular district in which they reside.

#### 725..ARTICLE XXXIII.

It is also agreed that the Consuls and Officers, and persons attached to the Consulate, they not being citizens of the country in which the Consul resides, shall be exempted from all kinds of imposts and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject, being, in everything besides, subject to the laws of the respective States. The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

#### 726..ARTICLE XXXIV.

The said Consul shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews; and on this demand, so proved (saving, however, when the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation; but if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.



## 727..ARTICLE XXXV.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties agree, as soon hereafter as circumstances will permit them, to form a Consular Convention, which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

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**BORNEO.**

*Treaty concluded June 23, 1850 (Peace and Friendship).*

## 728..ARTICLE IX.

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His highness the Sultan of Borneo agrees that in all cases where a citizen of the United States shall be accused of any crime committed in any part of his highness's dominions, the person so accused shall be exclusively tried and adjudged by the American Consul, or other officer duly appointed for that purpose; and in all cases where disputes or differences may arise between American citizens, or between American citizens and the subjects of his highness, or between American citizens and the citizens or subjects of any other foreign power in the dominions of the Sultan of Borneo, the American Consul, or other duly appointed officer, shall have power to hear and decide the same, without any interference, molestation, or hindrance on the part of any authority of Borneo, either before, during, or after the litigation.

This treaty shall be ratified, and the ratifications thereof shall be exchanged at Bruni at any time prior to the 4th day of July, in the year 1854.

**BREMEN.** (See *Hanseatic Republics.*)

**CHINA.**

*Treaty concluded July 3, 1844 (Peace, Amity, and Commerce).*

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## 729..ARTICLE III.

The citizens of the United States are permitted to frequent the five ports of Kwangchow, Amoy, Fuchow, Ningpo, and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with

their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a citizen of the United States which violates this provision shall, with her cargo, be subject to confiscation to the Chinese Government.

#### 730..ARTICLE IV.

For the superintendence and regulation of the concerns of the citizens of the United States doing business at the said five ports, the Government of the United States may appoint Consuls or other officers at the same, who shall be duly recognized as such by the officers of the Chinese Government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasion may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese Government, who will see that full inquiry and strict justice be had in the premises; and, on the other hand, the said Consuls will carefully avoid all acts of unnecessary offense to or collision with the officers and people of China.

#### 731..ARTICLE V.

At each of the said five ports, citizens of the United States lawfully engaged in commerce shall be permitted to import from their own or any other ports into China, and sell there, and purchase therein, and export to their own or any other ports, all manner of merchandise of which the importation or exportation is not prohibited by this treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

#### 732..ARTICLE VI.

Whenever any merchant-vessel belonging to the United States shall enter either of the said five ports for trade, her papers shall be lodged with the Consul or person charged with affairs, who will report the same to the Commissioner of Customs; and tonnage duty shall be paid on said vessel at the rate of five mace per ton if she be over one hundred and fifty tons burden, and one mace per ton if she be of the burden of one hundred and fifty tons or under, according to the amount of her tonnage, as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which, having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any others of the said ports to complete the disposal of her cargo, the Consul or person charged with affairs will report the same to the Commissioner of Customs, who, on the departure of said vessel, will note in the port clearance that the

tonnage duties have been paid, and report the same to the other custom-houses; in which case, on entering another port, the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

### 733..ARTICLE VIII.

Citizens of the United States, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes, and take them into port; and when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire, at pleasure, servants, compradors, linguists, and writers, and passage or cargo boats, and to employ laborers, seamen, and persons for whatever necessary service, for a reasonable compensation, to be agreed on by the parties, or settled by application to the Consular Officer of their Government, without interference on the part of the local officers of the Chinese Government.

### 734..ARTICLE X.

Whenever a merchant vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee will, within forty-eight hours, deposit the ship's papers in the hands of the Consul, or person charged with the affairs of the United States, who will cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the names of her men, and of the cargo on board; which being done, the Superintendent will give a permit for the discharge of her cargo.

And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars; and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if the master of any vessel in port desires to discharge a part, only, of the cargo, it shall be lawful for him to do so, paying duties on such part only, and to proceed with the remainder to any other ports.

Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he will not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held to be due after the expiration of said forty-eight hours.

### 735..ARTICLE XI.

The Superintendent of Customs, in order to the collection of the proper duties, will, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation on

board any merchant vessel of the United States. And if dispute occur in regard to the value of goods subject to an *ad valorem* duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterwards, be referred to the said Consul to adjust with the Superintendent of Customs.

#### 736..ARTICLE XII.

Seals of standard balances, and also weights and measures, duly prepared, stamped, and sealed, according to the standard of the custom-house at Canton, shall be delivered by the Superintendents of Customs to the Consuls, at each of the five ports, to secure uniformity, and prevent confusion in measures and weights of merchandise.

#### 737..ARTICLE XIII.

The tonnage duty on vessels belonging to citizens of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the Superintendent of Customs shall give a port clearance, and the Consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same in its behalf. Duties payable by merchants of the United States shall be received either in sycee silver or in foreign money, at the rate of exchange as ascertained by the regulations now in force. And imported goods, on their resale or transit in any part of the empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this treaty.

#### 738..ARTICLE XIV.

No goods on board any merchant-vessel of the United States in port are to be transhipped to another vessel unless there be particular occasion therefor, in which case the occasion shall be certified by the Consul to the Superintendent of Customs, who may appoint officers to examine into the facts, and permit the transhipment. And if any goods be transhipped without such application, inquiry, and permit, they shall be subject to be forfeited to the Chinese Government.

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#### 739..ARTICLE XVI.

The Chinese Government will not hold itself responsible for any debts which may happen to be due from subjects of China to citizens of the United States, or for frauds committed by them; but citizens of the United States may seek redress in law; and on suitable representation being made to the Chinese local authorities, through the Consul, they will cause due examination in the premises, and take all proper steps to

compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor cannot be indemnified, according to the old system of the cohong, so called. And if citizens of the United States be indebted to subjects of China, the latter may seek redress in the same way through the Consul, but without any responsibility for the debt on the part of the United States.

**740..ARTICLE XVII.**

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At the places of anchorage of the vessels of the United States, the citizens of the United States, merchants, seamen or others sojourning there, may pass and repass in the immediate neighborhood; but they shall not, at their pleasure, make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully and in fraud of the revenue.

And, in order to the preservation of the public peace, the local officers of government at each of the five ports shall, in concert with the Consuls, define the limits beyond which it shall not be lawful for citizens of the United States to go.

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**741..ARTICLE XIX.**

All citizens of the United States in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of China, shall receive and enjoy for themselves and everything appertaining to them the special protection of the local authorities of government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately dispatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigor of the law.

**742..ARTICLE XX.**

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application, through their Consul, to the Superintendent of Customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods as entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods, and the amount of duties paid on the same, and deliver the same to the merchant; and shall also certify the facts to the officers of customs of other ports; all which being done, on the arrival in port of the vessel in which the goods are

laden, and everything being found on examination there to correspond, she will be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government.

#### 743..ARTICLE XXI.

Subjects of China, who may be guilty of any criminal act toward citizens of the United States, shall be arrested and punished by the Chinese authorities according to the laws of China; and citizens of the United States, who may commit any crime in China, shall be subject to be tried and punished only by the Consul, or other public functionary of the United States thereto authorized, according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

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#### 744..ARTICLE XXIII.

The Consuls of the United States at each of the five ports open to foreign trade shall make, annually, to the respective governors general thereof, a detailed report of the number of vessels belonging to the United States which have entered and left said ports during the year, and of the amount and value of goods imported or exported in said vessels, for transmission to and inspection of the board of revenue.

#### 745..ARTICLE XXIV.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their Consul, or other officer, to determine if the language be proper and respectful, and the matter just and right; in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. In like manner, if subjects of China have special occasion to address the Consul of the United States, they shall submit the communication to the local authorities of their own government, to determine if the language be respectful and proper, and the matter just and right; in which case the said authorities will transmit the same to the Consul or other officer for his consideration and action in the premises. And if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

#### 746..ARTICLE XXV.

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the

jurisdiction and regulated by the authorities of their own government; and all controversies occurring in China between citizens of the United States and the subjects of any other government shall be regulated by the treaties existing between the United States and such governments, respectively, without interference on the part of China.

**747..ARTICLE XXVI.**

Merchant-vessels of the United States, lying in the waters of the five ports of China open to foreign commerce, will be under the jurisdiction of the officers of their own Government, who, with the masters and owners thereof, will manage the same without control on the part of China. For injuries done to the citizens or the commerce of the United States by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if the merchant-vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered to be placed in the hands of the nearest Consul, or other officer of the United States, to be by him restored to the true owner. But if, by reason of the extent of territory and numerous population of China, it should, in any case, happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

**748..ARTICLE XXVII.**

If any vessel of the United States shall be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, will immediately adopt measures for their relief and security; and the persons on board shall receive friendly treatment, and be enabled at once to repair to the most convenient of the free ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced, in whatever way, to take refuge in any port other than one of the free ports, then in like manner the persons on board shall receive friendly treatment, and the means of safety and security.

**749..ARTICLE XXVIII.**

Citizens of the United States, their vessels and property, shall not be subject to any embargo; nor shall they be seized or forcibly detained for any pretense of the public service; but they shall be suffered to prosecute their commerce in quiet, and without molestation or embarrassment.

**750..ARTICLE XXIX.**

The local authorities of the Chinese Government will cause to be apprehended all mutineers or deserters from on board the vessels of the United

States in China, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice, on due requisition by Chinese local officers addressed to those of the United States.

The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their government. If individuals of either nation commit acts of violence and disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two governments will exert themselves to enforce order, and to maintain the public peace, by doing impartial justice in the premises.

#### 751..ARTICLE XXX.

The superior authorities of the United States and of China, in corresponding together, shall do so in terms of equality, and in the form of mutual communication (*chau hwui*). The Consuls, and the local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication (*chau hwui*). When inferior officers of one government address superior officers of the other, they shall do so in the style and form of memorial (*shin chin*). Private individuals, in addressing superior officers, shall employ the style of petition (*pin ching*). In no case shall any terms or style be suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

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*Treaty concluded June 18, 1858.*

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#### 752..ARTICLE VII.

The superior authorities of the United States and of China in corresponding together shall do so on terms of equality and in form of mutual communication (*chau hwui*). The Consuls and the local officers, civil and military, in corresponding together shall likewise employ the style and form of mutual communication (*chau hwui*). When inferior officers of the one government address superior officers of the other they shall do so in the style and form of memorial (*shin chin*). Private individuals, in addressing superior officers, shall employ the style of petition (*pin ching*). In no case shall any terms or style be used or suffered which shall be offensive or disrespectful to either party. And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

#### 753..ARTICLE VIII.

In all future personal intercourse between the representative of the United States of America and the governors-general or governors, the



interviews shall be had at the official residence of the said officers, or at their temporary residence, or at the residence of the representative of the United States of America, whichever may be agreed upon between them; nor shall they make any pretext for declining these interviews. Current matters shall be discussed by correspondence, so as not to give the trouble of a personal meeting.

#### 754 . . ARTICLE IX.

Whenever national vessels of the United States of America, in cruising along the coast and among the ports opened for trade for the protection of the commerce of their country or for the advancement of science, shall arrive at or near any of the ports of China, commanders of said ships and the superior local authorities of Government shall, if it be necessary, hold intercourse on terms of equality and courtesy, in token of the friendly relations of their respective nations; and the said vessels shall enjoy all suitable facilities on the part of the Chinese Government in procuring provisions or other supplies and making necessary repairs. And the United States of America agree that in case of the shipwreck of any American vessel, and its being pillaged by pirates, or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured deliver them over for trial and punishment.

#### 755 . . ARTICLE X.

The United States of America shall have the right to appoint Consuls and other Commercial Agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened; who shall hold official intercourse and correspondence with the local officers of the Chinese Government (a Consul or Vice-Consul in charge taking rank with an intendant of circuit or prefect), either personally or in writing, as occasions may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities, they have the right to make representation of the same to the superior officers of the respective governments, who shall see that full inquiry and strict justice shall be had in the premises. And the said Consuls and Agents shall carefully avoid all acts of offense to the officers and people of China. On the arrival of a Consul duly accredited at any port in China, it shall be the duty of the Minister of the United States to notify the same to the governor-general of the province where such port is, who shall forthwith recognize the said Consul and grant him authority to act.

#### 756 . . ARTICLE XI.

All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity

and good will with subjects of China, shall receive and enjoy for themselves and everything appertaining to them the protection of the local authorities of government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately dispatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigor of the law. Subjects of China guilty of any criminal act toward citizens of the United States shall be punished by the Chinese authorities according to the laws of China; and citizens of the United States, either on shore or in any merchant-vessel, who may insult, trouble, or wound the persons or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

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#### 757..ARTICLE XIII.

If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of government, on receiving information of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant-vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered to be restored to the owners or placed in the hands of the Consul. If, by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese Government shall not make indemnity for the goods lost; but if it shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memorializing the Throne, and these officers shall be severely punished, and their property be confiscated to repay the losses.

#### 758..ARTICLE XIV.

The citizens of the United States are permitted to frequent the ports and cities of Canton and Chau-chau or Swatan, in the province of Kwang-tung, Amoy, Fuh-chau, and Tai-wan, in Formosa, in the province of Fuh-kien, Ningpo, in the province of Cheh kiang, and Shanghai, in the province of Kiang-su, and any other port or place hereafter by treaty with other powers or with the United States opened to commerce, and to

reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coasts thereof; and any vessel under the American flag violating this provision shall, with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the empire.

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#### 759..ARTICLE XVI.

Tonnage duties shall be paid on every merchant-vessel belonging to the United States entering either of the open ports, at the rate of four mace per ton of forty cubic feet, if she be over one hundred and fifty tons burden, and one mace per ton of forty cubic feet if she be of the burden of one hundred and fifty tons or under, according to the tonnage specified in the register; which, with her other papers, shall, on her arrival, be lodged with the Consul, who shall report the same to the Commissioner of Customs. And if any vessel, having paid tonnage duty at one port, shall go to any other port to complete the disposal of her cargo, or, being in ballast, to purchase an entire or fill up an incomplete cargo, the Consul shall report the same to the Commissioner of Customs, who shall note on the port clearance that the tonnage duties have been paid, and report the circumstances to the Collectors at the other custom-houses; in which case, the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The Collectors of Customs at the open ports shall consult with the Consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

#### 760..ARTICLE XVII.

Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and, when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure servants, compraders, linguists, writers, laborers, seamen, and persons for whatever necessary service, with passage or cargo boats, for a reasonable compensation, to be agreed upon by the parties or determined by the Consul.

#### 761..ARTICLE XVIII.

Whenever merchant-vessels of the United States shall enter a port, the Collector of Customs shall, if he see fit, appoint custom-house officers to guard said vessels, who may live on board the ship or their own boats,

at their convenience. The local authorities of the Chinese Government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China on being informed by the Consul, and will deliver them up to the Consuls or other officer for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harbored or concealed, but shall be delivered up to justice on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two governments will exert themselves to enforce order and to maintain the public peace, by doing impartial justice in the premises.

#### 762..ARTICLE XIX.

Whenever a merchant-vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee, shall, within forty-eight hours, deposit the ship's papers in the hands of the Consul or person charged with his functions, who shall cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the number of her crew, and the nature of her cargo, which being done, he shall give a permit for her discharge. And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of five hundred dollars, and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire, he may, within forty-eight hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he shall not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held due after the expiration of the said forty-eight hours. In case of the absence of the Consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the Consul of a friendly power, or, if he please, directly to the Superintendent of Customs, who shall do all that is required to conduct the ship's business.

#### 763..ARTICLE XX.

The Superintendent of Customs, in order to the collection of the proper duties, shall, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on

board any merchant-vessel of the United States. And if disputes occur in regard to the value of goods subject to ad valorem duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within twenty-four hours, and not afterward, be referred to the said Consul to adjust with the Superintendent of Customs.

#### 764..ARTICLE XXI.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same in part or in whole to any other of the said ports, shall be entitled to make application, through their Consul, to the Superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examination to be made, by suitable officers, to see that the duties paid on such goods as are entered on the custom-house books correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of customs of the other ports; all which being done on the arrival in port of the vessel in which the goods are laden, and everything being found, on examination there, to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But, if, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government. Foreign grain or rice brought into any port of China in a ship of the United States, and not landed, may be re-exported without hinderance.

#### 765..ARTICLE XXII.

The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of imports shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the collector of customs shall give a port clearance, and the Consul shall return the ship's papers. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same. Duties shall be paid and received, either in sycee silver or in foreign money, at the rate of the day. If the Consul permits a ship to leave the port before the duties and tonnage dues are paid, he shall be held responsible therefor.

#### 766..ARTICLE XXIII.

When goods on board any merchant-vessel of the United States in port require to be transhipped to another vessel, application shall be made to the Consul, who shall certify what is the occasion therefor to the Superintendent of Customs, who may appoint officers to examine into the facts

and permit the transshipment. And if any goods be transhipped without written permits they shall be subject to be forfeited to the Chinese Government.

**767..ARTICLE XXIV.**

Where there are debts due by subjects of China to citizens of the United States the latter may seek redress in law ; and on suitable representations being made to the local authorities, through the Consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the Consul, or by suit in the Consular Court ; but neither government will hold itself responsible for such debts.

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**768..ARTICLE XXVIII.**

If citizens of the United States have special occasion to address any communication to the Chinese local officers of government, they shall submit the same to their Consul or other officer, to determine if the language be proper and respectful and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the Consul of the United States, they may address him directly at the same time they inform their own officers, representing the case for his consideration and action in the premises ; and if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

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**COLOMBIA, UNITED STATES OF.** (See *New Granada.*)

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**COSTA RICA.**

*Treaty concluded July 10, 1851 (Friendship, Commerce, and Navigation).*

**769..ARTICLE X.**

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If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Con-

sul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

**770. .ARTICLE IX.**

The citizens of the United States residing in the Republic of Costa Rica, and the citizens of the Republic of Costa Rica residing in the United States, shall be exempt from all compulsory military service whatsoever, either by sea or by land, and from all forced loans or military exactions or requisitions; and they shall not be compelled, under any pretext whatsoever, to pay other ordinary charges, requisitions, or taxes greater than those that are paid by native citizens of the contracting parties respectively.

**771. .ARTICLE X.**

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Costa Rican Diplomatic Agents and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and, in like manner, the Diplomatic Agents and Consuls of the United States in the Costa Rican territories shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Costa Rica to the Diplomatic Agents and Consuls of the most favored nation.

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**DENMARK.**

*Treaty concluded April 26, 1826 (Friendship, Commerce, and Navigation).*

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**772. .ARTICLE VIII.**

To make more effectual the protection which the United States and His Danish Majesty shall afford in future to the navigation and commerce of their respective citizens and subjects, they agree mutually to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, privileges, and immunities of the

Consuls and Vice-Consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

#### 773..ARTICLE IX.

In order that the Consuls and Vice-Consuls of the contracting parties may enjoy the rights, privileges, and immunities which belong to them, by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited; and, having obtained their exequatur, which shall be granted gratis, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the Consular district in which they reside.

#### 774..ARTICLE X.

It is likewise agreed that the Consuls and persons attached to their necessary service, they not being natives of the country in which the Consul resides, shall be exempt from all public service, and also from all kind of taxes, imposts, and contributions, except those which they shall be obliged to pay, on account of commerce, or their property, to which inhabitants, native and foreign, of the country in which such Consuls reside, are subject, being in everything besides subject to the laws of the respective states. The archives and papers of the Consulate shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

#### 775..ARTICLE XI.

The present convention shall be in force for ten years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice.

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*Additional articles concluded July 11, 1861.*

#### 776..ARTICLE I.

The respective Consuls-General, Consuls, Vice-Consuls, and Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise, either at sea or in port, between the captain, officers, and crew of the vessels belonging to the nation whose interests are committed to their charge, particularly in reference to the



adjustment of wages and the execution of contracts without the interference of the local authorities, unless the conduct of the crew and the officers, or of the captains, should disturb the order or tranquility of the country.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort on their return to the judicial authority of their country.

#### 777.. ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, or, if the vessel shall have departed, by copy of said documents duly certified by them, that such individuals form part of the crew; and, on this reclamation being thus substantiated, the surrender shall not be refused, unless there be sufficient proof of the said persons being citizens or subjects of the country where their surrender is demanded. Such deserters, when arrested, shall be placed at the disposal of said Consuls-General, Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within three months from the day of their arrest they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional articles shall have the same force and value as if they were inserted, word for word, in the Convention signed at Washington, on the twenty-sixth day of April, one thousand eight hundred and twenty-six, and, being approved and ratified by the President of the United States by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark, the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner, if possible.

**DOMINICAN REPUBLIC.**

*Treaty concluded February 8, 1867 (Amity, Commerce, Navigation, and Extradition).*

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**778..ARTICLE XXVI.**

The high contracting parties grant to each other the liberty of having in the ports of the other Consuls or Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent, to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his Consular functions or affect the inviolability of the Consular archives.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessel belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquility of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls or Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

## 779..ARTICLE XXVII.

The United States of America and the Dominican Republic, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

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**ECUADOR.**

*Treaty concluded June 13, 1839 (Peace, Friendship, Navigation, and Commerce).*

## 780..ARTICLE XXIX.

To make more effectual the protection which the United States and the Republic of Ecuador shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem convenient.

## 781..ARTICLE XXX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the government to which they are accredited, and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the Consular district in which they reside.

## 782..ARTICLE XXXI.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the

country in which the Consul resides, shall be exempted from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside, are subject; being, in everything besides, subject to the laws of the respective states. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

#### 783..ARTICLE XXXII.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the register of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand so proved (saving, however, where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

#### 784..ARTICLE XXXIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a Consular Convention, which shall declare, especially, the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

#### 785..ARTICLE XXXIV.

It is further agreed that the words "*most favored nation*," that occur in this treaty, shall not be so construed as to prevent either of the contracting parties from concluding any treaty or convention with any other nation or state it may think proper, as freely and as fully as though said words were not used: *Provided, however*, That notwithstanding any such treaty or convention the citizens of the United States shall be placed in Ecuador, with respect to navigation and commerce, upon an equal footing with the subjects of Spain, and with the citizens of Mexico, and of the other Hispano-American States, with which treaties have been, or may be, concluded; and that the citizens of Ecuador shall be entitled to enjoy, in the United States, the same rights and privileges, with respect to navigation and commerce, that the citizens of the United States enjoy, or shall enjoy, in Ecuador.

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**FRANCE.**

*Convention concluded February 23, 1853 (Consular privileges).*

**786..ARTICLE I.**

The Consuls-General, Consuls, and Vice-Consuls, or Consular Agents of the United States and France, shall be reciprocally received and recognized on the presentation of their commissions, in the form established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them without charge; and on the exhibition of this exequatur, they shall be admitted at once and without difficulty, by the territorial authorities, Federal or State, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The government that furnishes the exequatur reserves the right to withdraw it on a statement of the reasons for which it has thought proper to do so.

**787..ARTICLE II.**

The Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the United States and France shall enjoy in the two countries the privileges usually accorded to their offices, such a personal immunity, except in the case of crime, exemption from military billetings, from service in the militia or the national guard, and other duties of the same nature; and from all direct and personal taxation, whether Federal, State, or municipal. If, however, the said Consuls-General, Consuls, Vice-Consuls, or Consular Agents are citizens of the country in which they reside; if they are, or become, owners of property there, or engage in commerce, they shall be subject to the same taxes and imposts, and, with the reservation of the treatment granted to Commercial Agents, to the same jurisdiction as other citizens of the country who are owners of property or merchants.

They may place on the outer door of their offices, or of their dwelling-houses, the arms of their nation, with an inscription in these words: "Consul of the United States," or "Cousul of France"; and they shall be allowed to hoist the flag of their country thereon.

They shall never be compelled to appear as witnesses before the courts. When any declaration for judicial purposes, or deposition, is to be received from them in the administration of justice, they shall be invited, in writing, to appear in court, and if unable to do so, their testimony shall be requested in writing, or be taken orally at their dwellings.

Consular Pupils shall enjoy the same personal privileges and immunities as Consuls-General, Consuls, Vice-Consuls, or Consular Agents.

In case of death, indisposition, or absence of the latter, the Chancellors, Secretaries, and Consular Pupils attached to their offices shall be entitled to discharge *ad interim* the duties of their respective posts; and shall enjoy, while thus acting, the prerogatives granted to the incumbents.

**788..ARTICLE III.**

The Consular offices and dwellings shall be inviolable. The local authorities shall not invade them under any pretext. In no case shall they examine or seize the papers there deposited. In no case shall those offices or dwellings be used as places of asylum.

**789..ARTICLE IV.**

The Consuls-General, Consuls, Vice-Consuls, or Consular Agents, of both countries, shall have the right to complain to the authorities of their respective governments, whether federal or local, judicial or executive, throughout the extent of their Consular district, of any infraction of the treaties or conventions existing between the United States and France, or for the purpose of protecting informally the rights and interests of their countrymen, especially in cases of absence. Should there be no Diplomatic Agent of their nation, they shall be authorized, in case of need, to have recourse to the general or federal government of the country in which they exercise their functions.

**790..ARTICLE V.**

The respective Consuls-General and Consuls shall be free to establish, in such parts of their districts as they may see fit, Vice-Consuls or Consular Agents, who may be taken indiscriminately from among Americans of the United States, Frenchmen, or citizens of other countries. These Agents, whose nomination, it is understood, shall be submitted to the approval of the respective governments, shall be provided with a certificate given to them by the Consul by whom they are named, and under whose orders they are to act.

**791..ARTICLE VI.**

The Consuls-General, Consuls, Vice-Consuls, or Consular Agents, shall have the right of taking at their offices or bureaus, at the domicile of the parties concerned, or on board ship, the declarations of captain, crews, passengers, merchants, or citizens of their country, and of executing there all requisite papers.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall have the right also to receive at their offices or bureaus, conformably to the laws and regulations of their country, all acts of agreement executed between the citizens of their own country and the citizens and inhabitants of the country in which they reside, and even all such acts between the latter, provided that these acts relate to property situated, or to business to be transacted, in the territory of the nation to which the Consul or the Agent before whom they are executed may belong.

Copies of such papers, duly authenticated by the Consuls-General, Consuls, Vice-Consuls, or Consular Agents, and sealed with the official

seal of their Consulate, or Consular Agency, shall be admitted in courts of justice throughout the United States and France in like manner as the originals.

#### 792..ARTICLE VII.

In all the States of the Union whose existing laws permit it, so long and to the same extent as the said laws shall remain in force, Frenchmen shall enjoy the right of possessing personal and real property by the same title and in the same manner as the citizens of the United States. They shall be free to dispose of it as they may please, either gratuitously, or for value received, by donation, testament, or otherwise, just as those citizens themselves; and in no case shall they be subjected to taxes on transfer, inheritance, or any others different from those paid by the latter, or to taxes which shall not be equally imposed.

As to the States of the Union by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right.

In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the Government of France accords to the citizens of the United States the same rights within its territory, in respect to real and personal property and to inheritance, as are enjoyed there by its own citizens.

#### 793..ARTICLE VIII.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall alone take cognizance of differences which may arise, either at sea or in port, between the captain, officers, and crew, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not, on any pretext, interfere in these differences, but shall lend forcible aid to the Consuls when they may ask it to arrest and imprison all persons composing the crew whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authority, and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted at the mere request of the Consuls made in writing. The expenses of the arrest and detention of those persons shall be paid by the Consuls.

#### 794..ARTICLE IX.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents may arrest the officers, sailors, and all other persons making part of the crews of ships-of-war or merchant-vessels of their nation who may

be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board, or back to their country. To that end, the Consuls of France in the United States shall apply to the magistrates designated in the act of Congress of May 4, 1826—that is to say, indiscriminately to any of the Federal, State, or municipal authorities; and the Consuls of the United States in France shall apply to any of the competent authorities, and make a request in writing for the deserters, supporting it by an exhibition of the registers of the vessel and list of the crew, or by other official documents, to show that the men whom they claim belonged to said crew. Upon such request alone, thus supported and without the exaction of any oath from the Consuls, the deserters, not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port, shall be given up to them. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country at the request and at the expense of the Consuls until these Agents may find an opportunity of sending them away. If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, and shall not again be arrested for the same cause.

#### 795..ARTICLE X.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall receive the declarations, protests, and reports of all captains of vessels of their nation in reference to injuries experienced at sea; they shall examine and take note of the stowage; and when there are no stipulations to the contrary between the owners, freighters, or insurers, they shall be charged with the repairs. If any inhabitants of the country in which the Consuls reside, or citizens of a third nation, are interested in the matter, and the parties cannot agree, the competent local authority shall decide.

#### 796..ARTICLE XI.

All proceedings relative to the salvage of American vessels wrecked upon the coasts of France, and of French vessels wrecked upon the coasts of the United States, shall be respectively directed by the Consuls-General, Consuls, and Vice-Consuls of the United States in France, and by the Consuls-General, Consuls, and Vice-Consuls of France in the United States, and until their arrival by the respective Consular Agents wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the Consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.



It is understood that such merchandise shall not be subjected to any custom-house duty if it is to be re-exported; and if it be entered for consumption a diminution of such duty shall be allowed in conformity with the regulations of the respective countries.

#### 797..ARTICLE XII.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents, as well as their Consular Pupils, Chancellors, and Secretaries, shall enjoy in the two countries all the other privileges, exemptions, and immunities which may at any future time be granted to the agents of the same rank of the most favored nation.

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#### GERMAN EMPIRE.

*Consular Convention concluded December 11, 1871 (Consuls and trade-marks).*

#### 798..ARTICLE I.

Each of the contracting parties agrees to receive from the other Consuls-General, Consuls, Vice-Consuls, and Consular Agents, in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the contracting parties without also applying to every other power.

#### 799..ARTICLE II.

The Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall be reciprocally received and recognized, on the presentation of their commissions, in the forms established in their respective countries. The necessary exequatur for the exercise of their functions shall be furnished to them free of charge, and, on the exhibition of this instrument, they shall be admitted at once, and without difficulty, by the territorial authorities, Federal, State, or communal, judicial or executive, of the ports, cities, and places of their residence and district, to the enjoyment of the prerogatives reciprocally granted. The government that furnishes the exequatur reserves the right to withdraw the same on a statement of the reasons for which it has thought proper to do so.

#### 800..ARTICLE III.

The respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents, as well as their Chancellors and Secretaries, shall enjoy in the two countries all privileges, exemptions, and immunities which have been granted, or may in future be granted, to the agents of the same rank of the most favored nation. Consular Officers, not being citizens of the

country where they are accredited, shall enjoy, in the country of their residence, personal immunity from arrest or imprisonment except in the case of crimes, exemption from military billetings and contributions, from military service of every sort, and other public duties, and from all direct or personal or sumptuary taxes, duties, and contributions, whether Federal, State, or municipal. If, however, the said Consular Officers are or become owners of property in the country in which they reside, or engage in commerce, they shall be subject to the same taxes and imposts, and to the same jurisdiction as citizens of the country, property-holders, or merchants. But under no circumstances shall their official income be subject to any tax. Consular Officers who engage in commerce shall not plead their Consular privileges to avoid their commercial liabilities. Consular Officers of either character shall not in any event be interfered with in the exercise of their official functions, further than is indispensable for the administration of the laws of the country.

#### 801.. ARTICLE IV.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their offices, or of their dwellings, the arms of their nation, with the proper inscription indicative of the office. And they may also hoist the flag of their country on their Consular edifice, except in places where a Legation of their country is established.

They may also hoist their flag on board any vessel employed by them in port for the discharge of their duty.

#### 802.. ARTICLE V.

The Consular archives shall be at all times inviolable, and under no pretense whatever shall the local authorities be allowed to examine or seize the papers forming part of them. When, however, a Consular Officer is engaged in other business, the papers relating to the Consulate shall be kept in a separate inclosure.

The offices and dwellings of Consules missi who are not citizens of the country of their residence shall be at all times inviolable. The local authorities shall not, except in the case of the pursuit for crimes, under any pretext invade them. In no case shall they examine or seize the papers there deposited. In no event shall those offices or dwellings be used as places of asylum.

#### 803.. ARTICLE VI.

In the event of the death, prevention, or absence of Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors or Secretaries, whose official character may have previously been made known to the respective authorities in Germany or in the United States, may temporarily exercise their functions, and, while thus acting, they shall enjoy all the rights, prerogatives, and immunities granted by this convention to the incumbents.

**804..ARTICLE VII.**

Consuls-General and Consuls may, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports, and places within their Consular jurisdiction. These officers may be citizens of Germany, of the United States, or any other country. They shall be furnished with a commission by the Consul who appoints them and under whose orders they are to act, or by the Government of the country which he represents. They shall enjoy the privileges stipulated for Consular Officers in this convention, subject to the exceptions specified in Article III.

**805..ARTICLE VIII.**

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have the right to apply to the authorities of the respective countries, whether federal or local, judicial or executive, within the extent of their consular district, for the redress of any infraction of the treaties and conventions existing between the two countries, or of international law; to ask information of said authorities, and to address said authorities to the end of protecting the rights and interests of their countrymen, especially in cases of the absence of the latter; in which cases such Consuls, etc., shall be presumed to be their legal representatives. If due notice should not be taken of such application, the Consular Officers aforesaid, in the absence of a Diplomatic Agent of their country, may apply directly to the government of the country where they reside.

**806..ARTICLE IX.**

Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries, or their Chancellors, shall have the right, conformably to the laws and regulations of their country—

1. To take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other citizens of their own country.

2. To receive and verify unilateral acts, wills, and bequests of their countrymen, and any and all acts of agreement entered upon between citizens of their own country, and between such citizens and the citizens or other inhabitants of the country where they reside; and also all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation by which the said Consular Officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul-General, Consul, Vice-Consul, or Consular Agent under his official seal, shall be received by public officials and in courts of justice as legal documents, or as authenticated copies, as the case may be, and shall have the same force and effect as if drawn up or authenticated by competent public officers of one or the other of the two countries.

**807..ARTICLE X.**

In case of the death of any citizen of Germany in the United States, or of any citizen of the United States in the German Empire, without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest Consular Officer of the nation to which the deceased belongs of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

The said Consular Officer shall have the right to appear personally or by delegate in all proceedings on behalf of the absent heirs or creditors, until they are duly represented.

In all successions to inheritances citizens of each of the contracting parties shall pay in the country of the other such duties only as they would be liable to pay if they were citizens of the country in which the property is situated or the judicial administration of the same may be exercised.

**808..ARTICLE XI.**

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two countries are exclusively charged with the inventoring and the safe-keeping of goods and effects of every kind left by sailors or passengers on ships of their nation, who die either on board ship or on land, during the voyage or in the port of destination.

**809..ARTICLE XII.**

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be at liberty to go either in person or by proxy on board vessels of their nation admitted to entry and to examine the officers and crews, to examine the ship's papers, to receive declarations concerning their voyage, their destination, and the incidents of the voyage; also to draw up manifests and lists of freight, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country, to assist them as their interpreters or agents.

The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant-vessels without having given previous notice to the Consular Officers of the nation to which the said vessels belong, in order to enable the said Consular Officers to be present.

They shall also give due notice to the said Consular Officers in order to enable them to be present at any depositions or statements to be made in courts of law or before local magistrates, by officers or persons belonging to the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice. The notice to Consuls, Vice-Consuls, or Consular Agents shall name the hour fixed for such proceedings. Upon the non-appearance of the said officers or their representatives, the case may be proceeded with in their absence.

## 810..ARTICLE XIII.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents shall have exclusive charge of the internal order of the merchant-vessels of their nation, and shall have the exclusive power to take cognizance of and to determine differences of every kind which may arise, either at sea or in port, between the captains, officers, and crews, and specially in reference to wages and the execution of mutual contracts. Neither any court or authority shall, on any pretext, interfere in these differences except in cases where the differences on board ship are of a nature to disturb the peace and public order in port, or on shore, or when persons other than the officers and crew of the vessel are parties to the disturbance.

Except as aforesaid, the local authorities shall confine themselves to the rendering of efficient aid to the Consuls, when they may ask it in order to arrest and hold all persons, whose names are borne on the ship's articles, and whom they may deem it necessary to detain. Those persons shall be arrested at the sole request of the Consuls, addressed in writing to the local authorities and supported by an official extract from the register of the ship or the list of the crew, and shall be held, during the whole time of their stay in the port, at the disposal of the Consuls. Their release shall be granted only at the request of the Consuls, made in writing.

The expenses of the arrest and detention of those persons shall be paid by the Consuls.

## 811..ARTICLE XIV.

Consuls-General, Consuls, Vice-Consuls, or Consular Agents may arrest the officers, sailors, and all other persons making part of the crews of ships of war or merchant-vessels of their nation who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them on board or back to their country.

To that end, the Consuls of Germany in the United States shall apply to either the Federal, State, or municipal courts or authorities; and the Consuls of the United States in Germany shall apply to any of the competent authorities, and make a request in writing for the deserters, supporting it by an official extract of the register of the vessel and the list of the crew, or by other official documents, to show that the men whom they claim belong to said crew. Upon such request alone thus supported, and without the exaction of any oath from the Consuls, the deserters (not being citizens of the country where the demand is made either at the time of their shipping or of their arrival in the port) shall be given up to the Consuls. All aid and protection shall be furnished them for the pursuit, seizure, and arrest of the deserters, who shall be taken to the prisons of the country and there detained at the request and at the expense of the Consuls, until the said Consuls may find an opportunity of sending them away.

If, however, such opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause.

**812..ARTICLE XV.**

In the absence of an agreement to the contrary between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

**813..ARTICLE XVI.**

In the event of a vessel belonging to the government, or owned by a citizen of one of the two contracting parties, being wrecked or cast on shore on the coast of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the district of the occurrence, or if there be no such consular agency, they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of American vessels wrecked or cast on shore in the territorial waters of the German Empire shall take place in accordance with the laws of Germany; and, reciprocally, all measures of salvage relative to German vessels wrecked or cast on shore in the territorial waters of the United States shall take place in accordance with the laws of the United States.

The consular authorities have in both countries to intervene only to superintend the proceedings having reference to the repair and revictualing, or, if necessary, to the sale of the vessel wrecked or cast on shore.

For the intervention of the local authorities no charges shall be made except such as in similar cases are paid by vessels of the nation.

In case of a doubt concerning the nationality of shipwrecked vessel, the local authorities shall have exclusively the direction of the proceedings provided for in this article.

All merchandise and goods not destined for consumption in the country where the wreck takes place shall be free of all duties.

**814..ARTICLE XVII.**

With regard to the marks or labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the citizens of Germany shall enjoy in the United States of America, and American citizens shall enjoy in Germany, the same protection as native citizens.

**815..ARTICLE XVIII.**

The present Convention shall remain in force for the space of ten years counting from the day of the exchange of the ratifications, which shall be exchanged at Berlin within the period of six months.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this Convention, it shall remain in force one year longer, and so on, from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the Plenipotentiaries have signed and sealed this Convention.

Berlin, the 11th of December, 1871.

[L. S.]

[L. S.]

GEO. BANCROFT.

B. KOENIG.

The undersigned met this day in order to effect the exchange of the ratifications of the Consular Convention, signed on the 11th day of December, 1871, between the United States of America and Germany.

Before proceeding to this act, the undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America declared—

1. That, in accordance with the instructions given him by his Government, with the advice and consent of the Senate, the expression "property," used in the English text of Articles III and IX, is to be construed as meaning and intending "real estate."

2. That, according to the laws and the Constitution of the United States, Article X applies not only to persons of the male sex, but also to persons of the female sex.

After the undersigned, President of the Office of the Chancellor of the Empire, had expressed his concurrence with this declaration, the acts of ratification, found to be in good and due form, were exchanged, and the present protocol was in duplicate executed.

Berlin, the 29th April, 1872.

GEO. BANCROFT.

DELBRUECK.

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### GREAT BRITAIN.

*Concluded July 3, 1815 (Commerce).*

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### 816. ARTICLE IV.

It shall be free for each of the two contracting parties, respectively, to appoint Consuls for the protection of trade, to reside in the dominions and territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and it is hereby declared that, in case of illegal or improper conduct toward the laws or government of the country to which he is sent, such Consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended government assigning to the other the reasons for the same.

It is hereby declared that either of the contracting parties may except from the residence of Consuls such particular places as such party shall judge fit to be so excepted.

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**GREECE.**

*Treaty concluded December 10, 1837 (Amity and Commerce).*

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**817..ARTICLE XII.**

Each of the high contracting parties grants to the other the privilege of appointing in its commercial ports and places Consuls, Vice-Consuls, and Commercial Agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct with respect to the laws or government of the country to which said Consuls, Vice-Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the Consulate shall be exempt from all search and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice-Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right as such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation, whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captains should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

**818..ARTICLE XIII.**

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country, and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said



deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

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### HAMBURG.

819.. (See *Hanseatic Republics.*)

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### HANSEATIC REPUBLICS.

*Additional article to the Convention of Friendship, Commerce, and Navigation, of the 20th of December, 1827, between the United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg, concluded June 4, 1828.*

### 820.

The United States of America and the Hanseatic Republics of Lubeck, Bremen, and Hamburg, wishing to favor their mutual commerce by affording, in their ports, every necessary assistance to their respective vessels, the undersigned Plenipotentiaries have further agreed upon the following additional article to the Convention of Friendship, Commerce, and Navigation, concluded at Washington on the twentieth day of December, 1827, between the contracting parties.

The Consuls and Vice-Consuls may cause to be arrested the sailors, being part of the crews of the vessels of their respective countries, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said Consuls and Vice-Consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters, in writing, proving by an exhibition of the registers of the said vessels, or ship's roll, or other official document, that those men were part of said crews; and on this demand being so proved (saving, however, where the contrary is proved), the delivery shall not be refused; and there shall be given all aid and

assistance to the said Consuls and Vice-Consuls for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found opportunity of sending them back. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

The present additional article shall have the same force and value as if it were inserted, word for word, in the Convention signed at Washington on the twentieth day of December, one thousand eight hundred and twenty-seven, and being approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the ratifications shall be exchanged at Washington within nine months from the date hereof, or sooner if possible.

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*Convention for the mutual extension of the jurisdiction of Consuls between the United States of America and the Free and Hanseatic Republics of Hamburg, Bremen, and Lubeck, concluded at Washington April 30, 1852.*

#### 821..ARTICLE I.

The Consuls, Vice-Consuls, Commercial and Vice-Commercial Agents of each of the high contracting parties shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the master should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, Commercial Agents, or Vice-Commercial Agents should require their assistance in executing or supporting their own decisions. But this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

#### 822..ARTICLE II.

The present Convention shall be in force for the term of twelve years from the day of its ratifications; and further until the end of twelve months, after the Government of the United States on the one part, or the Free and Hanseatic Republics of Hamburg, Bremen, or Lubeck, or either of them, on the other part, shall have given notice of their intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of the said

term of twelve years. And it is hereby agreed that, at the expiration of twelve months after such notice shall have been received by either of the parties from the other, this convention, and all the provisions thereof, shall altogether cease and determine, as far as regards the States giving and receiving such notice; it being always understood and agreed that if one or more of the Free and Hanseatic Republics aforesaid shall, at the expiration of twelve years from the date of the ratification of the convention, give or receive notice of the termination of the same, it shall nevertheless, remain in full force and operation, as far as regards the remaining Free and Hanseatic Republics or Republic, which may not have given or received such notice.

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### HAWAIIAN ISLANDS.

*Treaty concluded December 20, 1849 (Friendship, Commerce, and Navigation).*

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#### 823..ARTICLE X.

Each of the two contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges and powers with those of the most favored nations; but if any such Consuls shall exercise commerce, they shall be subject to the same laws and usage to which the private individuals of their nation are subject in the same place. The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessel to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. The agents, owners, or masters of vessels on account of whom the deserters have been apprehended upon requisition of the local authorities, shall be required to take or send away such deserters from the States and dominion of the contracting parties, or give such security for their good conduct as the law may require. But if not sent back nor reclaimed within six months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party

causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserters should be found to have committed any crime or offense, their surrender may be delayed until the tribunal before which their case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

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#### 824..ARTICLE XII.

If any ships of war or other vessels be wrecked on the coasts of the States or territories of either of the contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Hawaiian Consul or Vice-Consul in whose district the wreck may have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties unless entered for consumption, it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

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#### HAYTI.

*Treaty concluded November 3, 1864 (Amity, Commerce, Navigation, and Extradition).*

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#### 825..ARTICLE XXXIII.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Hayti agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation.

**826..ARTICLE XXXIV.**

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents in due form; and, having obtained their exequatur, they shall be acknowledged, in their official character, by the authorities, magistrates, and inhabitants in the consular district in which they reside.

**827..ARTICLE XXXV.**

It is also agreed that the Consuls, their Secretaries, Officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of imposts, taxes, and contributions, except those which they shall be obliged to pay on account of their commerce or property, to which the citizens or inhabitants, native or foreign, of the country in which they reside are subject; being, in everything besides, subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any person, magistrate, or other public authority, seize or in any way interfere with them.

**828..ARTICLE XXXVI.**

The said Consuls and Vice-Consuls shall have power to require the assistance of the authorities of the country for the arrest, deteution, and custody of deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed a part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

**829..ARTICLE XXXVII.**

For the purpose of more effectually protecting their commerce and navigation the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

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**HONDURAS.**

*Treaty concluded July 4, 1864 (Friendship, Commerce, and Navigation).*

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**830..ARTICLE VIII.**

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of the merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination, by sale, donation, exchange, testament, or in any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens, and they shall not be charged in any of these respects with any higher imposts or duties than those which are paid or may be paid by native citizens; submitting, of course, to the local laws and regulations of each country respectively.

If any citizen of either of the two high contracting parties shall die without will or testament in any of the territories of the other, the Consul-General or Consul of the nation to which the deceased belonged, or the representative of such Consul-General or Consul in his absence, shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

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**831..ARTICLE X.**

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted. The Diplomatic Agents and Consuls of Honduras shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be granted to agents of the same rank belonging to the most favored nation; and in like manner the Diplomatic Agents and Consuls of the United States in the territories of Honduras shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Honduras to the Diplomatic Agents and Consuls of the most favored nation.

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**ITALY.**

*Treaty concluded May 8, 1878 (Rights, Privileges, and Immunities of Consular Officers).*

**832..ARTICLE I.**

Each of the high contracting parties pledges itself to admit the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the other in all its ports, places, and cities, with the exception of those in which it may not be deemed proper to recognize such functionaries.

This reservation, however, shall not be applied to one of the high contracting parties without being applied in like manner to all the other Powers.

**833..ARTICLE II.**

Consular Officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the exequatur required for the exercise of their functions, which shall be furnished to them free of cost; and on presentation of this document they shall be admitted by all the authorities of their place of residence to the enjoyment of the rights, prerogatives, and immunities granted them by this convention.

**834..ARTICLE III.**

Consular Officers, citizens of the State by which they were appointed, shall be exempt from arrest or imprisonment in civil cases and from preliminary arrest in penal cases, except in the case of offenses which the local law qualifies as crimes and punishes as such, and they shall be exempt from military billettings, and from the performance of service in the army, in the militia, or national guard, and in the navy.

The aforesaid Consular Officers shall be exempt from all national, State, or municipal taxes imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate or for interest on capital invested in the State in which they reside. If they are engaged in trade, manufactures, or commerce, they shall not enjoy such exemption but shall be obliged to pay the same taxes as are paid by other foreigners under similar circumstances.

**835..ARTICLE IV.**

Consular Officers, citizens of the State which appointed them, and who are not engaged in trade, professional business, or any kind of manufactures, shall not be obliged to appear as witnesses before the courts of the country in which they reside. If their testimony should be necessary, they shall be requested in writing to appear in court, and in case of impediment their written deposition shall be requested, or it shall be received *viva voce* at their residence or office.

It shall be the duty of the aforementioned Consular Officers to comply with such request without unnecessary delay.

In all the criminal cases contemplated by the VIth article of the amendments of the Constitution of the United States, by virtue of which the right is guaranteed, to persons charged with crimes of obtaining witnesses in their favor, Consular Officers shall be required to appear, all possible regard being paid to their dignity and to the duties of their office.

Consuls of the United States in Italy shall receive the same treatment in similar cases.

#### 836..ARTICLE V.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their office the arms of their nation with this inscription: *Consulate* or *Vice-Consulate* or *Consular Agency of the United States* or of *Italy*.

They may also hoist the flag of their country over the house in which the Consular office is, provided they do not reside in the capital in which the legation of their country is established.

#### 837..ARTICLE VI.

The Consular offices shall be at all times inviolable. The local authorities shall not be allowed to enter them under any pretext, nor shall they in any case examine or sequester the papers therein deposited. These offices, however, shall never serve as places of asylum.

When the Consular Officer is engaged in trade, professional business, or manufacturers, the papers relating to the business of the Consulate must be kept separate.

#### 838..ARTICLE VII.

In case of death, incapacity, or absence of the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their Chancellors and Secretaries, whose official character shall have been previously announced to the Department of State at Washington, or to the Ministry of Foreign Affairs in Italy, shall be permitted to discharge their functions *ad interim*, and they shall enjoy, while thus acting, the same rights, prerogatives, and immunities as the officers whose places they fill, on the condition and with the reserves prescribed for those offices.

#### 839..ARTICLE VIII.

Vice-Consuls or Consular Agents may be appointed by the respective governments or by the Consuls-General or Consuls, with the approval of said governments, in the cities, ports, and places of each consular district. These agents may be selected from the citizens of the United States, or from Italian citizens or other foreigners, and they shall be furnished with a commission by the government or by the Consul appointing them under whose orders they are to discharge their functions.



They shall enjoy the privileges provided in this convention for Consular Officers, subject to the exceptions and reservations provided for the same.

#### 840..ARTICLE IX.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may have recourse to the authorities of the respective countries within their district, whether federal or local, judicial or executive, for the purpose of complaining of any infraction of the treaties or conventions existing between the United States and Italy, as also in order to defend the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the Consular Officers aforesaid, in the absence of a Diplomatic Agent of their country, may apply directly to the government of the country where they reside.

#### 841..ARTICLE X.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents, and their Chancellors or Consular Clerks shall have the right to take in their offices, at the residence of the parties, in their own dwelling, and even on board ship, the depositions of captains and crews of the vessels of their nation, of passengers on board of the same, and of any other citizen or subject of their country.

They shall also have the right to receive at their offices, conformably to the laws and regulations of their country, any contract between citizens or subjects and other inhabitants of the country in which they reside, and also any contract between these latter, provided it relates to real estate situated in the territory of the nation to which the Consular Officer belongs, or to business which is to be transacted in said country.

Copies of papers relative to such contracts and official documents of all kinds, whether originals, copies, or translations, duly authenticated by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents and sealed with the seal of office of the Consulate, shall be received as evidence in the United States and Italy.

#### 842..ARTICLE XI.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have exclusive charge of the internal order on board of the merchant vessels of their nation, and shall alone take cognizance of questions, of whatever kind, that may arise, both at sea and in port, between the captain, officers, and seamen, without exception, and especially of those relating to wages and the fulfillment of agreements reciprocally made. The courts, or federal, state, or municipal authorities in the United States, and the tribunals or authorities in Italy, shall not under any pretext interfere in such question, but they shall lend aid to consular officers when the latter shall request it, in order to find out, arrest, and imprison any person belonging to the crew whom they may think proper to place in custody. These persons shall be arrested at the sole demand of the Consular Officers, made in writing to the courts or federal, State, or municipal authorities

in the United States, or to the competent court of authority in Italy, such demande being supported by an official extract from the register of the vessel and from the crew-list, and they shall be detained during the stay of the vessel in the port, at the disposal of the Consular Officers.

They shall be released at the written request of the said Officer, and the expenses of the arrest and detention shall be paid by the Consular Officer.

#### 843..ARTICLE XII.

According to the act of Congress of March 5, 1855, *to regulate the carriage of passengers in steamships and other vessels*, all disputes and questions of any nature that may arise between captains and officers on the one hand, and passengers on board of vessels on the other, shall be brought to and decided by the Circuit or District Courts of the United States to the exclusion of all other courts and authorities.

#### 844..ARTICLE XIII.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents may arrest the officers, seamen, and any other person forming part of the crew of the merchant and war vessels of their nation who have been guilty of or charged with deserting from said vessels, in order to return them to their vessels, or to send them back to their country.

To this effect the Consular Officers of Italy in the United States may apply in writing to either the courts or the federal, State, or municipal authorities of the United States, and the Consular Officers of the United States may apply to any of the competent authorities in Italy, and make a demand for the deserters, showing by exhibiting the register of the vessel and the crew-list, or other official documents, that the persons claimed really belonged to said crew. Upon such request alone, thus supported, and without the exaction of any oath from the Consular Officers, the deserters not being citizens or subjects of the country in which the demand is made at the time of their shipment shall be given up.

All assistance and necessary aid, moreover, shall be furnished for the search and arrest of said deserters, who shall be placed in the prisons of the country, and kept there at the request and at the expense of the Consular Officer until he finds an opportunity to send them home.

If, however, such an opportunity shall not present itself within the space of three months, counting from the day of the arrest, the deserter shall be set at liberty, nor shall he be again imprisoned for the same cause.

#### 845..ARTICLE XIV.

In the absence of an agreement to the contrary, between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter the respective ports voluntarily or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the country in which they respectively reside; in case, however, any citizen of the country in which said Consular Officers reside, or subjects of a third power, should be interested in these

damages, and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

#### 846..ARTICLE XV.

All operations relative to the salvage of the United States vessels wrecked upon the coasts of Italy, and of Italian vessels upon the coasts of the United States, shall be directed by the respective Consuls-General, Consuls, and Vice-Consuls of the two countries, and until their arrival by the respective Consular Agents, where Consular Agencies exist.

In places and ports where there is no such agency, the local authorities shall give immediate notice of the shipwreck to the Consul of the district in which the disaster has taken place, and until the arrival of the said Consul they shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall intervene only to preserve order, and to protect the interests of the salvors, if they do not belong to the crew of the wrecked vessel, and to secure the execution of the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country in which the wreck took place.

#### 847..ARTICLE XVI.

In case of the death of a citizen of the United States in Italy, or of an Italian citizen in the United States, who has no known heir, or testamentary executor designated by him, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

#### 848..ARTICLE XVII.

The respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents, as likewise the Consular Chancellors, Secretaries, Clerks, or Attachés, shall enjoy in both countries, all the rights, prerogatives, immunities, and privileges which are or may hereafter be granted to the officers of the same grade of the most favored nation.

#### 849..ARTICLE XVIII.

This Convention shall remain in force for the space of ten years from the date of the exchange of the ratifications, which shall take place in conformity with the respective Constitutions of the two countries, at Washington or at Rome, within the period of six months, or sooner, if possible.

In case neither party gives notice twelve months previously to the expiration of said period of ten years of its intention not to renew the Convention, this shall remain in force until the expiration of a year from the day on which one of the parties shall have made such announcement.

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**JAPAN.**

*Treaty concluded March 31, 1854 (Peace and Amity).*

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**850..ARTICLE XI.**

There shall be appointed by the Government of the United States Consuls or Agents to reside in Simoda, at any time after the expiration of eighteen months from the date of the signing of this treaty: *Provided*, That either of the two governments deem such arrangement necessary.

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*Treaty concluded June 17, 1857 (Intercourse).*

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**851..ARTICLE II.**

It being known that American ships coming to the ports of Simoda and Hakodadi cannot have their wants supplied by the Japanese, it is agreed that American citizens may permanently reside at Simoda and Hakodadi, and the Government of the United States may appoint a Vice-Consul to reside at Hakodadi.

This article to go into effect on the fourth day of July, eighteen hundred fifty-eight.

**852..ARTICLE IV.**

Americans committing offenses in Japan shall be tried by the American Consul-General or Consul, and shall be punished according to American laws.

Japanese committing offenses against Americans shall be tried by the Japanese authorities, and punished according to Japanese laws.

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**853..ARTICLE VI.**

The Government of Japan admits the right of his excellency the Consul-General of the United States to go beyond the limits of seven ri, but has asked him to delay the use of that right, except in cases of emergency, shipwreck, &c., to which he has assented.

**854..ARTICLE VII.**

Purchases for his excellency the Consul-General, or his family, may be made by him only, or by some member of his family, and payment made to the seller for the same without the intervention of any Japanese official,

and for this purpose Japanese silver and copper coin shall be supplied to his excellency the Consul-General.

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*Treaty concluded July 29, 1858 (Peace and Friendship).*

### 855..ARTICLE I.

There shall henceforward be perpetual peace and friendship between the United States of America and His Majesty the Tycoon of Japan and his successors.

The President of the United States may appoint a Diplomatic Agent to reside at the city of Yedo, and Consuls or Consular Agents to reside at any or all of the ports in Japan which are opened for American commerce by this treaty. The Diplomatic Agent and Consul-General of the United States shall have the right to travel freely in any part of the Empire of Japan from the time they enter on the discharge of their official duties.

The Government of Japan may appoint a Diplomatic Agent to reside at Washington, and Consuls or Consular Agents for any or all of the ports of the United States. The Diplomatic Agent and Consul-General of Japan may travel freely in any part of the United States from the time they arrive in the country.

### 856..ARTICLE II.

The President of the United States, at the request of the Japanese Government, will act as a friendly mediator in such matters of difference as may arise between the Government of Japan and any European power.

The ships of war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls residing at ports visited by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

### 857..ARTICLE III.

In addition to the ports of Simoda and Hakodadi, the following ports and towns shall be opened on the dates respectively appended to them, that is to say: Kanagawa on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nagasaki on the (4th of July, 1859) fourth day of July, one thousand eight hundred and fifty-nine; Nee-e-gata on the (1st of January, 1860) first day of January, one thousand eight hundred and sixty; Hiogo on the (1st of January, 1863) first day of January, one thousand eight hundred and sixty-three.

If Nee-e-gata is found to be unsuitable as a harbor, another port on the west coast of Nippon shall be selected by the two governments in lieu thereof. Six months after the opening of Kanagawa the port of Simoda shall be closed as a place of residence and trade for American

citizens. In all the foregoing ports and towns American citizens may permanently reside; they shall have the right to lease ground, and purchase the buildings thereon, and may erect dwellings and warehouses. But no fortification or place of military strength shall be erected under pretense of building dwellings or warehouses; and to see that this article is observed, the Japanese authorities shall have the right to inspect, from time to time, any buildings which are being erected, altered, or repaired. The place which the Americans shall occupy for their buildings, and the harbor regulations, shall be arranged by the American Consul and the authorities of each place, and, if they cannot agree, the matter shall be referred to and settled by the American Diplomatic Agent and the Japanese Government.

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### 858..ARTICLE VI.

Americans committing offenses against Japanese shall be tried in American Consular Courts, and when guilty shall be punished according to American law. Japanese committing offenses against Americans shall be tried by the Japanese authorities and punished according to Japanese law. The Consular Courts shall be open to Japanese creditors, to enable them to recover their just claims against American citizens, and the Japanese Courts shall in like manner be open to American citizens for the recovery of their just claims against Japanese.

All claims for forfeitures or penalties for violations of this treaty, or of the articles regulating trade which are appended hereunto, shall be sued for in the Consular Courts, and all recoveries shall be delivered to the Japanese authorities.

Neither the American nor Japanese Governments are to be held responsible for the payment of any debts contracted by their respective citizens or subjects.

### 859..ARTICLE VII.

In the opened harbors of Japan Americans shall be free to go where they please, within the following limits:

At Kanagawa, the River Logo (which empties into the Bay of Yedo between Kawasaki and Sinagawa), and (10) ten ri in another direction.

At Hakodadi (10) ten ri in any direction.

At Hiogo (10) ten ri in any direction, that of Kioto excepted, which city shall not be approached nearer than (10) ten ri. The crews of vessels resorting to Hiogo shall not cross the River Enagawa, which empties into the bay between Hiogo and Osaka. The distances shall be measured inland from Goyoso, or town hall of each of the foregoing harbors, the ri being equal to (4,275) four thousand two hundred and seventy-five yards, American measure.

At Nagasaki Americans may go into any part of the imperial domain in its vicinity. The boundaries of Nee-e-gata, or the place that may be substituted for it, shall be settled by the American Diplomatic Agent and the Government of Japan. Americans who have been convicted of felony, or twice convicted of misdemeanors, shall not go more than (1)

one Japanese ri inland from the places of their respective residences, and all persons so convicted shall lose their right of permanent residence in Japan, and the Japanese authorities may require them to leave the country.

A reasonable time shall be allowed to all such persons to settle their affairs, and the American Consular authority shall, after an examination into the circumstances of each case, determine the time to be allowed, but such time shall not in any case exceed one year, to be calculated from the time the person shall be free to attend to his affairs.

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### 860..ARTICLE IX.

When requested by the American Consul, the Japanese authorities will cause the arrest of all deserters and fugitives from justice, receive in jail all persons held as prisoners by the Consul, and give to the Consul such assistance as may be required to enable him to enforce the observance of the laws by the Americans who are on land, and to maintain order among the shipping. For all such service, and for the support of prisoners kept in confinement, the Consul shall, in all cases, pay a just compensation.

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### 861..ARTICLE XI.

The articles for the regulation of trade, which are appended to this treaty, shall be considered as forming a part of the same, and shall be equally binding on both the contracting parties to this treaty, and on their citizens and subjects.

### 862..ARTICLE XII.

Such of the provisions of the treaty made by Commodore Perry, and signed at Kanagawa, on the 31st of March, 1854, as conflict with the provisions of this treaty are hereby revoked; and as all the provisions of a convention executed by the Consul-General of the United States and the governors of Simoda, on the 17th of June, 1857, are incorporated in this treaty, that convention is also revoked.

The person charged with the diplomatic relations of the United States in Japan, in conjunction with such person or persons as may be appointed for that purpose by the Japanese Government, shall have power to make such rules and regulations as may be required to carry into full and complete effect the provisions of this treaty, and the provisions of the articles regulating trade appended thereunto.

*Regulations under which American trade is to be conducted in Japan.*

### 863..REGULATION FIRST.

Within forty-eight (48) hours (Sundays excepted) after the arrival of an American ship in a Japanese port, the captain or commander shall exhibit to the Japanese custom-house authorities the receipt of the Ameri-

can Consul, showing that he has deposited the ship's register and other papers, as required by the laws of the United States, at the American Consulate, and he shall then make an entry of his ship, by giving a written paper, stating the name of the ship, and the name of the port from which she comes, her tonnage, the name of her captain or commander, the names of her passengers (if any), and the number of her crew, which papers shall be certified by the captain or commander to be a true statement, and shall be signed by him; he shall, at the same time, deposit a written manifest of his cargo, setting forth the marks and numbers of the packages and their contents, as they are described in his bills of lading, with the names of the person or persons to whom they are consigned. A list of the stores of the ship shall be added to the manifest. The captain or commander shall certify the manifest to be a true account of all the cargo and stores on board the ship, and shall sign his name to the same. If any error is discovered in the manifest, it may be corrected within twenty-four (24) hours (Sunday excepted) without the payment of any fee; but for any alteration or post entry to the manifest made after that time, a fee of fifteen (\$15) shall be paid. All goods not entered on the manifest shall pay double duties on being landed. Any captain or commander that shall neglect to enter his vessel at the Japanese custom-house within the time prescribed by this regulation shall pay a penalty of sixty dollars (\$60) for each day that he shall so neglect to enter his ship.

#### 864..REGULATION SECOND.

The Japanese Government shall have the right to place custom-house officers on board of any ship in their ports (men-of-war excepted). All custom-house officers shall be treated with civility, and such reasonable accommodation shall be allotted to them as the ship affords. No goods shall be unladen from any ship between the hours of sunset and sunrise, except by special permission of the custom-house authorities, and the hatches, and all other places of entrance into that part of the ship where the cargo is stowed, may be secured by Japanese officers, between the hours of sunset and sunrise, by affixing seals, locks, or other fastenings; and if any person shall, without due permission, open any entrance that has been so secured, or shall break or remove any seal, lock, or other fastening that has been affixed by the Japanese custom-house officers, every person so offending shall pay a fine of (60) sixty dollars for each offense. Any goods that shall be discharged or attempted to be discharged from any ship without having been duly entered at the Japanese custom-house, as hereinafter provided, shall be liable to seizure and confiscation.

Packages of goods made up with an attempt to defraud the revenue of Japan, by concealing therein articles of value which are not set forth in the invoice, shall be forfeited.

American ships that shall smuggle, or attempt to smuggle, goods in any of the non-opened harbors of Japan, all such goods shall be forfeited to the Japanese Government, and the ship shall pay a fine of (1,000) one thousand dollars for each offense. Vessels needing repairs may land their cargo for that purpose without the payment of duty. All goods so landed



shall remain in charge of the Japanese authorities, and all just charges for storage, labor, and supervision shall be paid thereon. But if any portion of such cargo be sold, the regular duties shall be paid on the portion so disposed of. Cargo may be transhipped to another vessel in the same harbor without the payment of duty; but all transhipments shall be made under the supervision of Japanese officers, and after satisfactory proof has been given to the custom-house authorities of the *bona fide* nature of the transaction, and also under a permit to be granted for that purpose by such authorities. The importation of opium being prohibited, if any person or persons shall smuggle, or attempt to smuggle, any opium, he or they shall pay a fine of (15) fifteen dollars for each catty of opium so smuggled or attempted to be smuggled; and if more than one person shall be engaged in the offense, they shall collectively be held responsible for the payment of the foregoing penalty.

### 865. REGULATION THIRD.

The owner or consignee of any goods, who desires to land them, shall make an entry of the same at the Japanese custom-house. The entry shall be in writing, and shall set forth the name of the person making the entry, and the name of the ship in which the goods were imported, and the marks, numbers, packages, and the contents thereof, with the value of each package extended separately in one amount, and at the bottom of the entry shall be placed the aggregate value of all the goods contained in the entry. On each entry the owner or consignee shall certify, in writing, that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the customs of Japan would be defrauded; and the owner or consignee shall sign his name to such certificate.

The original invoice or invoices of the goods so entered shall be presented to the custom-house authorities, and shall remain in their possession until they have examined the goods contained in the entry.

The Japanese officers may examine any or all the packages so entered, and for this purpose may take them to the custom-house, but such examination shall be without expense to the importer or injury to the goods; and after examination the Japanese shall restore the goods to their original condition in the packages (so far as may be practicable), and such examination shall be made without any unreasonable delay.

If any owner or importer discovers that his goods have been damaged on the voyage of importation, before such goods have been delivered to him, he may notify the custom-house authorities of such damage; and he may have the damaged goods appraised by two or more competent and disinterested persons, who, after due examination, shall make a certificate setting forth the amount per cent. of damage on each separate package, describing it by its mark and number, which certificates shall be signed by the appraisers, in presence of the custom-house authorities, and the importer may attach the certificate to his entry, and make a corresponding deduction from it. But this shall not prevent the custom-house authorities from appraising the goods in the manner provided in article fourth of the treaty, to which these regulations are appended.

After the duties have been paid the owner shall receive a permit authorizing the delivery to him of the goods, whether the same are at the custom-house or on ship-board. All goods intended to be exported shall be entered at the Japanese custom-house before they are placed on ship-board. The entry shall be in writing, and shall state the name of the ship by which the goods are to be exported, with the marks and numbers of the packages, and the quantity, description, and value of their contents. The exporter shall certify, in writing, that the entry is a true account of all the goods contained therein, and shall sign his name thereto. Any goods that are put on board of a ship for exportation before they have been entered at the custom-house, and all packages which contain prohibited articles, shall be forfeited to the Japanese Government.

No entry at the custom-house shall be required for supplies for the use of ships, their crews, and passengers, nor for the clothing, etc., of passengers.

#### 866..REGULATION FOURTH.

Ships wishing to clear shall give (24) twenty-four hours' notice at the custom-house, and at the end of that time they shall be entitled to their clearance; but, if it be refused, the custom-house authorities shall immediately inform the captain or consignee of the ship of the reasons why the clearance is refused, and they shall also give the same notice to the American Consul.

Ships of war of the United States shall not be required to enter or clear at the custom-house, nor shall they be visited by Japanese custom-house or police-officers. Steamers carrying the mails of the United States may enter and clear on the same day, and they shall not be required to make a manifest, except for such passengers and goods as are to be landed in Japan. But such steamers shall, in all cases, enter and clear at the custom-house.

Whale-ships touching for supplies, or ships in distress, shall not be required to make a manifest of their cargo; but if they subsequently wish to trade, they shall then deposit a manifest, as required in regulation first.

The word ship, wherever it occurs in these regulations, or in the treaty to which they are attached, is to be held as meaning ship, barque, brig, schooner, sloop, or steamer.

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#### 867..REGULATION FIFTH.

Any person signing a false declaration or certificate, with the intent to defraud the revenue of Japan, shall pay a fine of (125) one hundred and twenty-five dollars for each offense.

#### 868..REGULATION SIXTH.

No tonnage duties shall be levied on American ships in the ports of Japan, but the following fees shall be paid to the Japanese custom-house

authorities: For the entry of a ship, (15) fifteen dollars; for the clearance of a ship, (7) seven dollars; for each permit, (1½) one dollar and a half; for each bill of health, (1½) one dollar and a half; for any other document, (1½) one dollar and a half.

## 869..REGULATION SEVENTH.

Duties shall be paid to the Japanese Government on all goods landed in the country, according to the following tariff:

*Class one.*—All articles of this class shall be free of duty.

Gold and silver, coined or uncoined.

Wearing apparel in actual use.

Household furniture and printed books not intended for sale, but the property of persons who come to reside in Japan.

*Class two.*—A duty of (5) five per cent. shall be paid on the following articles:

All articles used for the purpose of building, rigging, repairing, or fitting out of ships.

Whaling gear of all kinds,  
Salted provisions of all kinds.

Bread and breadstuffs.

Living animals of all kinds.

Coals.

Timber for building houses.

Rice.

Paddy.

Steam machinery.

Zinc.

Lead.

Tin.

Raw silk.

*Class three.*—A duty of (35) thirty-five per cent. shall be paid on all intoxicating liquors, whether prepared by distillation, fermentation, or in any other manner.

*Class four.*—All goods not included in any of the preceding classes shall pay a duty of (20) twenty per cent.

All articles of Japanese production which are exported as cargo shall pay a duty of (5) five per cent., with the exception of gold and silver coin and copper in bars. (5) Five years after the opening of Kanagawa the import and export duties shall be subject to revision, if the Japanese Government desires it.

## LIBERIA.

*Treaty concluded October 21, 1862 (Commerce and Navigation).*

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## 870..ARTICLE V.

When any vessel of either of the contracting parties shall be wrecked, foundered, or otherwise damaged on the coasts or within the territories

of the other, the respective citizens shall receive the greatest possible aid, as well for themselves as for their vessels and effects. All possible aid shall be given to protect their property from being plundered and their persons from ill treatment. Should a dispute arise as to the salvage, it shall be settled by arbitration, to be chosen by the parties respectively.

#### 871..ARTICLE VI.

It being the intention of the two contracting parties to bind themselves by the present treaty to treat each other on the footing of the most favored nation, it is hereby agreed between them that any favor, privilege, or immunity whatever in matters of commerce and navigation, which either contracting party has actually granted, or may hereafter grant, to the subjects or citizens of any other state, shall be extended to the citizens of the other contracting party, gratuitously, if the concession in favor of that other state shall have been gratuitous, or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

#### 872..ARTICLE VII.

Each contracting party may appoint Consuls for the protection of trade, to reside in the dominions of the other; but no such Consul shall enter upon the exercise of his functions until he shall have been approved and admitted, in the usual form, by the government of the country to which he is sent.

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#### LUBECK.

873..(See *Hanseatic Republics.*)

#### MADAGASCAR.

*Treaty concluded February 14, 1867 (Commerce).*

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#### 874..ARTICLE II.

The dominions of each contracting party, as well as the right of domicile of their inhabitants, are sacred; and no forcible possession of territory shall ever take place in either of them by the other party, nor any domiciliary visits or forcible entries be made to the houses of either party against the will of the occupants. But whenever it is known for certain, or suspected, that transgressors against the laws of the kingdom are in certain premises, they may be entered in concert with the United States Consul, or, in his absence, by a duly authorized officer, to look after the offender.

The right of sovereignty shall in all cases be respected in the dominions of one government by the subjects or citizens of the other. Citizens of the United States of America shall, while in Madagascar, enjoy the privilege of free and unmolested exercise of the Christian religion and its customs; new places of worship, however, shall not be builded by them without the permission of the government. They shall enjoy full and complete protection and security for themselves and their property, equally with the subjects of Madagascar; the right to lease or rent land, houses, or storehouses for a term of months or years mutually agreed upon between the owners and American citizens; build houses and magazines on land leased by them, in accordance with the laws of Madagascar for buildings; hire laborers, not soldiers, and if slaves, not without permission of their masters.

Should the Queen, however, require the services of such laborers, or if they should desire, on their own account, to leave, they shall be at liberty to do so, and be paid up to the time of leaving, on giving previous notice.

Contracts for renting or leasing land or houses or hiring laborers may be executed by deeds signed before the United States Consul and the local authorities. They also shall be permitted to trade or pass with their merchandise through all parts of Madagascar which are under the control of a governor, duly appointed by Her Majesty, with the exception of Ambohimanga, Ambohimambola, and Amparafaravato, which places foreigners are not permitted to enter, and, in fact, be entitled to all privileges of commerce granted to other favored nations.

The subjects of Her Majesty the Queen of Madagascar shall enjoy the same privileges in the United States of America.

### 875..ARTICLE III.

Commerce between the people of America and Madagascar shall be perfectly free, with all the privileges under which the most favored nations are now or may hereafter be trading. Citizens of America shall, however, pay a duty, not exceeding ten per cent., on both exports and imports in Madagascar, to be regulated by a tariff mutually agreed upon, with the following exceptions: Munition of war, to be imported only by the Queen of Madagascar into her dominions, or by her order. Prohibited from export by the laws of Madagascar are munition of war, timber, and cows. No other duties, such as tonnage, pilotage, quarantine, light-house dues, shall be imposed in ports of either country on the vessels of the other to which national vessels or vessels of the most favored nations shall not equally be liable.

Ports of Madagascar, where there is no military station under the control of a governor, must not be entered by United States vessels.

### 876..ARTICLE IV.

Each contracting party may appoint Consuls to reside in the dominions of each other, who shall enjoy all privileges granted to Consuls of the most favored nations, to be witness of the good relationship existing between both nations, and to regulate and protect commerce.

## 877..ARTICLE V.

Citizens of the United States who enter Madagascar, and subjects of Her Majesty the Queen of Madagascar while sojourning in America, are subject to the laws of trade and commerce in the respective countries. In regard to civil rights, however, whether of person or property, of American citizens, or in cases of criminal offenses, they shall be under the exclusive civil and criminal jurisdiction of their own Consul only, duly invested with the necessary powers.

But should any American citizen be guilty of a serious criminal offense against the laws of Madagascar, he shall be liable to banishment from the country.

All disputes and differences arising within the dominions of Her Majesty, between citizens of the United States and subjects of Madagascar, shall be decided before the United States Consul and an officer duly authorized by Her Majesty's government, who shall afford mutual assistance and every facility to each other in recovering debts.

## 878..ARTICLE VI.

No American vessel shall have communication with the shore before receiving pratique from the local authorities of Madagascar; nor shall any subject of Her Majesty the Queen be permitted to embark on board an American vessel without a passport from Her Majesty's government.

In cases of mutiny or desertion, the local authorities shall, on application, render all necessary assistance to the American Consul to bring back the deserters and to re-establish discipline, if possible, among the crew of a merchant-vessel.

## 879..ARTICLE VII.

In case of a shipwreck of an American vessel on the coast of Madagascar, or if any such vessel should be attacked or plundered in the waters of Madagascar adjacent to any military station, Her Majesty engages to order the governor to grant every assistance in his power to secure the property, and to restore it to the owner or to the United States Consul, if this be not impossible.

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## MEXICO.

*Treaty concluded April 5, 1831 (Amity, Commerce, and Navigation).*

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## 880..ARTICLE XXVIII.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form to the gov-

ernment to which they are accredited; and having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants of the consular district in which they reside. It is agreed likewise to receive and admit Consuls and Vice-Consuls in all the ports and places open to foreign commerce, who shall enjoy therein all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each of the contracting parties remaining at liberty to except those ports and places in which the admission and residence of such Consuls and Vice-Consuls may not seem expedient.

### 881..ARTICLE XXIX.

It is likewise agreed that the Consuls, Vice-Consuls, their Secretaries, Officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all compulsory public service, and also from all kind of taxes, imposts, and contributions levied specially on them, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject; being in everything besides subject to the laws of their respective States. The archives and papers of the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize, or in any way interfere with them.

### 882..ARTICLE XXX.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the register of the vessel, or ship's roll, or other public documents, that the man or men demanded were part of said crews; and on this demand so proved (saving always where the contrary is proved), the delivery shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the vessels to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

### 883..ARTICLE XXXI.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit, to form a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

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**MOROCCO.**

*Treaty concluded September 16, 1836 (Peace and Friendship).*

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**884..ARTICLE XX.**

If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from our government to enforce his decisions, it shall be immediately granted to him.

**885..ARTICLE XXI.**

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

**886..ARTICLE XXII.**

If an American citizen shall die in our country, and no will shall appear, the Consul shall take possession of his effects; and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend agreeably to that will, as soon as the Consul shall declare the validity thereof.

**887 .ARTICLE XXIII.**

The Consuls of the United States of America shall reside in any seaport of our dominions that they shall think proper, and they shall be respected, and enjoy all the privileges which the Consuls of any other nation enjoy; and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise, in writing, for the payment or fulfilling thereof; without which promise in writing, no application to him for any redress shall be made.

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**MUSCAT.**

*Treaty concluded September 21, 1833 (Amity and Commerce.)*

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**888..ARTICLE V.**

If any vessel of the United States shall suffer shipwreck on any part of the Sultan's dominions, the persons escaping from the wreck shall be



taken care of and hospitably entertained, at the expense of the Sultan, until they shall find an opportunity to be returned to their country (for the Sultan can never receive any remuneration whatever for rendering succor to the distressed); and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the Consul of the United States, or to any authorized agent.

#### 889..ARTICLE VI.

The citizens of the United States resorting to the ports of the Sultan for the purpose of trade shall have leave to land and reside in the said ports without paying any tax or imposition whatever for such liberty other than the general duties on imports which the most favored nation shall pay.

#### 890..ARTICLE VII.

If any citizens of the United States, or their vessels or other property, shall be taken by pirates and brought within the dominions of the Sultan, the persons shall be set at liberty, and the property restored to the owner, if he is present, or to the American Consul, or to any authorized agent.

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#### 891..ARTICLE IX.

The President of the United States may appoint Consuls to reside in the ports of the Sultan where the principal commerce shall be carried on, which Consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property and their houses shall be inviolate. Should any Consul, however, commit any offense against the laws of the kingdom, complaint shall be made to the President, who will immediately displace him.

Concluded, signed, and sealed at the Royal Palace, in the city of Muscat, in the Kingdom of Aman, the twenty-first day of September, in the year one thousand eight hundred and thirty-three of the Christian era, and the fifty-seventh year of the Independence of the United States of America, corresponding to the sixth day of the moon, called Ianada Alawel, in the year of the Allhajra (Hegira) one thousand two hundred and forty-nine.

### NETHERLANDS.

*Treaty concluded January 22, 1855 (Consular Privileges in Colonies).*

#### 892..ARTICLE I.

Consuls-General, Consuls, and Vice-Consuls of the United States of America will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands which are open to the vessels of all nations.

**893..ARTICE II.**

The Consuls-General, Consuls, and Vice-Consuls of the United States of America are considered as Commercial Agents, protectors of the maritime commerce of their countrymen in the ports within the circumference of their Consular districts.

They are subject to the laws, both civil and criminal, of the country in which they reside, with such exceptions as the present convention establishes in their favor.

**894..ARTICLE III.**

The Consuls-General and Consuls, before being admitted to exercise their functions, and to enjoy the immunities attached thereto, must present a commission, in due form, to the government of His Majesty the King of the Netherlands.

After having obtained the exequatur, which shall be countersigned as promptly as possible by the governor of the colony, the said Consular Agents shall be entitled to the protection of the government, and to the assistance of the local authorities, in the free exercise of their functions.

The government, in granting the exequatur, reserves the right of withdrawing the same, or to cause it to be withdrawn by the governor of the colony, on a statement of the reasons for doing so.

**895..ARTICLE IV.**

The Consuls-General and Consuls are authorized to place on the enter door of their Consulates the arms of their government, with the inscription: "Consulate of the United States of America."

It is well understood that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

**896..ARTICLE V.**

It is nevertheless understood that the archives and documents relating to the affairs of the Consulate shall be protected against all search, and that no authority or magistrate shall have the power, under any pretext whatever, to visit or seize them, or to examine their contents.

**897..ARTICLE VI.**

The Consuls-General, Consuls, and Vice-Consuls shall not be invested with any diplomatic character.

When a request is to be addressed to the Netherlands Government, it must be done through the medium of the Diplomatic Agent residing at the Hague, if one be there.

The Consul may, in case of urgency, apply to the governor of the colony himself, showing the urgency of the case, and stating the reasons why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

**898..ARTICLE VII.**

Consuls-General and Consuls shall be free to establish Vice-Consuls in the ports mentioned in article one, and situated in their Consular districts.

The Vice-Consuls may be taken indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of any other country residing or having the privilege, according to the local laws, to fix their residence in the port to which the Vice-Consul shall be named.

These Vice-Consuls, whose nomination shall be submitted to the approval of the governor of the colony, shall be provided with a certificate given to them by the Consul under whose orders they exercise their functions.

The governor of the colony may in all cases withdraw from the Vice-Consuls the aforesaid sanction, in communicating to the Consul-General or Consul of the respective district the motives for his doing so.

**899..ARTICLE VIII.**

Passports delivered or signed by Consuls or Consular Agents do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the colonies.

The right of the governor of the colony to prohibit the residence in, or to order the departure from, the colony of any person to whom a passport may have been delivered, remains undisturbed.

**900..ARTICLE IX.**

When a ship of the United States is wrecked upon the coast of the Dutch colonies, the Consul-General, Consul, or Vice-Consul who is present at the scene of the disaster, will, in case of the absence, or with the consent of the captain or supercargo, take all the necessary measures for the salvage of the vessel, the cargo, and all that appertains to it.

In the absence of the Consul-General, Consul, or Vice-Consul, the Dutch authorities of the place where the wreck has taken place will act in the premises, according to the regulations prescribed by the laws of the colony.

**901..ARTICLE X.**

Consuls-General, Consuls, and Vice-Consuls may, in so far as the extradition of deserters from merchant-vessels or ships of war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from vessels of the United States. To this end, they shall apply to the competent functionaries, and claim said deserters, in writing, proving by the register of the vessel, the list of the crew, or by any other authentic document, that the persons claimed belong to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters, being arrested, shall be placed at the disposal of said Consuls, and may be confined in the public prisons at the request and at the expense of those who claim them, in order that they may be taken to the vessels to which they belong, or to other vessels of the same nation. But if they are not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter be found to have committed any crime, offense, or contravention, his extradition may be delayed until the court having cognizance of the matter shall have pronounced its sentence, and the same has been carried into execution.

#### 902..ARTICLE XI.

In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities, who, according to the laws of the colonies, are charged with the administration of the estate, will inform the Consuls or Consular Agents of the circumstance, in order that the necessary information may be forwarded to parties interested.

#### 903..ARTICLE XII.

The Consuls-General, Consuls, and Vice-Consuls, have, in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences which may arise between the masters and the crews of the vessels belonging to the United States, and this without the interference of the local authorities, unless the conduct of the crew, or of the captain, should have been such as to disturb the order and tranquillity of the country, or that the Consuls-General, Consuls, or Vice-Consuls should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

It is understood, however, that this decision or special arbitrament is not to deprive, on their return, the parties in litigation of the right of appeal to the judiciary authorities of their own country.

#### 904..ARTICLE XIII.

The Consuls-General, Consuls, and Vice-Consuls, who are not subjects of the Netherlands, who, at the time of their appointment, are not established as residents in the kingdom of the Netherlands or its colonies, and who do not exercise any calling, profession, or trade, besides their Consular functions, are, in so far as in the United States the same privileges are granted to the Consuls-General, Consuls, and Vice-Consuls of the Netherlands, exempt from military billetings, from personal taxation, and, moreover, from all public or municipal taxes which are considered of a personal character, so that this exemption shall never extend to custom-house duties or other taxes, whether indirect or real.

Consuls-General, Consuls, and Vice-Consuls who are not natives or recognized subjects of the Netherlands, but who may exercise conjointly with their Consular functions any profession or trade whatever, are obliged

to fulfill duties and pay taxes and contributions, like all Dutch subjects and other inhabitants.

The Consuls-General, Consuls, and Vice-Consuls, subjects of the Netherlands, but to whom it has been accorded to exercise Consular functions conferred by the Government of the United States of America, are obliged to fulfill duties and pay taxes and contributions, like all Dutch subjects and other inhabitants.

#### 905..ARTICLE XIV.

The Consuls-General, Consuls, and Vice-Consuls of the United States shall enjoy all such other privileges, exemptions, and immunities in the colonies of the Netherlands as may, at any future time, be granted to the agents of the same rank of the most favored nations.

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*Treaty concluded May 23, 1878 (Rights, Privileges, and Immunities of Consular Officers not applicable to colonies).*

#### 906..ARTICLE I.

Each of the high contracting parties agrees to receive Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the other into all its ports, cities, and places, except in those localities where there may be some objection to admitting such officers.

This exception, however, shall not be made in regard to one of the high contracting parties, without being made likewise in regard to every other Power.

#### 907..ARTICLE II.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two high contracting parties shall be reciprocally received and recognized on producing their commissions in the forms established in their respective countries, and the necessary exequaturs shall be delivered to them free of cost, on exhibiting which they shall enjoy the rights, prerogatives, and immunities which are granted by the present convention.

The government granting the exequatur shall be at liberty to withdraw the same on stating the reasons for which it has thought proper so to do. Notice shall be given, on producing the commission, of the extent of the district allotted to the Consular Officer, and subsequently of the changes that may be made in this district.

#### 908..ARTICLE III.

The respective Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, Consular Agents, Consular Pupils, and Consular Clerks of the high contracting parties, shall enjoy in the two countries all the privileges, exemptions, and immunities which are enjoyed or which may be hereafter enjoyed by the officers of the same rank of the most favored nation. Such Consular Officers being citizens or subjects of the country which has appointed them shall be exempted from military billeting and

contributions, and from all military service by land or by sea, whether in the regular army, in the national or civic guard, or in the militia, and shall enjoy personal immunity from arrest or imprisonment, except for acts constituting crimes or misdemeanors by the laws of the country in which they reside. They shall, moreover, when citizens or subjects of the country which has appointed them, and provided they be not engaged in commerce or manufactures, likewise be exempt from capitation or sumptuary taxes, and from all other fiscal duties or contributive taxes of a direct or personal character; but this immunity shall not extend to customs, excise, or octroi duties, nor to taxes upon real or personal property which they may acquire or own in the country in which they exercise their functions.

Consular Officers who engage in commerce shall not plead their Consular privileges to avoid their commercial liabilities.

#### 909..ARTICLE IV.

If the testimony of a Consular Officer, who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, is needed before the courts of either country, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally at his dwelling or office.

To obtain the testimony of such Consular Officer before the courts of the country where he may exercise his functions, the interested party in civil cases, or the accused in criminal cases, shall apply to the competent judge, who shall invite the Consular Officer in the manner prescribed in § I, to give his testimony.

It shall be the duty of said Consular Officer to comply with this request, without any delay which can be avoided.

Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the Constitution of the United States, or with like provisions in the constitutions of the several States, whereby the right is secured to persons charged with crimes, to obtain witnesses in their favor, and to be confronted with the witnesses against them.

#### 910..ARTICLE V.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place above the outer door of their offices, or residences, the arms of their nation, together with a proper inscription indicative of their office. They may also display the flag of their country over their offices or dwellings, and may hoist their flag upon any vessel employed by them in port in the discharge of their duty.

#### 911..ARTICLE VI.

The Consular archives shall be at all times inviolable, and the local authorities shall under no pretext examine or seize the papers belonging thereto.

When a Consular Officer is engaged in business, the papers relating to the Consulate shall be kept in a separate inclosure and apart from the papers pertaining to his business.

The offices and dwellings of Consular Officers shall in no event be used as places of asylum.

#### 912..ARTICLE VII.

In the event of inability to act, absence or decease of Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, Consular Agents, their Consular Pupils and Consular Clerks, Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister of Foreign Affairs at the Hague, shall be permitted to take charge *ad interim* of the business of the Consulate, and while thus acting, and so far as may be competent according to Article III, if foreign citizens not engaged in commerce, shall enjoy all the rights, privileges, and immunities granted to the incumbents.

#### 913..ARTICLE VIII.

Consuls-General and Consuls may, with the approval of their respective governments, appoint Vice-Consuls-General, Vice-Consuls, and Consular Agents in the cities, ports, and places within their Consular district. They may appoint as such, without distinction, citizens of the United States, subjects of the Netherlands, or citizens or subjects of other countries. The persons so appointed shall be furnished with a commission, and shall enjoy the privileges, rights, and immunities provided for in this Convention in favor of Consular Officers, subject to provisions and limitations as specified in Article III, and in other articles hereof.

#### 914..ARTICLE IX.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two high contracting parties shall have the right to address the authorities of the respective countries, national or local, judicial or executive, within the extent of their respective Consular districts, for the purpose of complaining of any infraction of the treaties or conventions existing between the two countries, or for purposes of information, or for the protection of the rights and interests of their countrymen.

If such application shall not receive proper attention, such Consular Officers may, in the absence of the Diplomatic Agent of their country, apply directly to the government of the country in which they reside.

#### 915..ARTICLE X.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, or Consular Agents of the two countries, or their Chancellors, shall have the right conformably to the laws and regulations of their country—

1. To take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains

and crews, of passengers on board of them, of merchants, or of any other persons.

2. To receive and verify certificates of births and deaths of their countrymen and of marriages between them, and all unilateral acts, wills, and bequests of their countrymen, and any and all acts of agreement entered upon between subjects or citizens of their own country, and between such subjects or citizens and the subjects or citizens or other inhabitants of the country where they reside, and also all contracts between the latter; provided such unilateral acts, acts of agreement, or contracts relate to property situated or to business to be transacted in the territory of the nation by which the said Consular Officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul-General, Vice-Consul-General, Consul, Vice-Consul, or Consular Agent, under his official seal, shall be received in courts of justice as legal documents or as authenticated copies, as the case may be, subject to the provisions of law on such subject, however, in the two countries.

#### 916..ARTICLE XI.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall have charge of the internal order on board of the merchant vessels of their nation, to the exclusion of all local authorities. They shall take cognizance of all disputes and determine all differences which may have arisen at sea, or which may arise in port, between the captains, officers, and crews, including disputes concerning wages and the execution of contracts reciprocally entered into. The courts or other authorities of either country shall on no account interfere in such disputes unless such differences on board ship be of a nature to disturb the public peace on shore or in port, or unless persons other than the officers and crew are parties thereto.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be at liberty to go, either in person or by proxy, on board vessels of their nation admitted to entry, and to examine the officers and crews, to examine the ships' papers, to receive declarations concerning their voyage, their destination, and the incidents of the voyage; also to draw up manifests and lists of freight or other documents, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country to assist them as their interpreters or agents.

#### 917..ARTICLE XII.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the two countries may, respectively, cause to be arrested and sent on board, or cause to be returned to their own country, such officers, seamen, or other persons forming part of the crew of ships-of-war or merchant-vessels of their nation who may have deserted in one of the ports of the other.

To this end they shall respectively address the competent national or



local authorities in writing and make request for the return of the deserter, and furnish evidence by exhibiting the register, crew list, or other official documents of the vessel, or a copy or extract therefrom, duly certified, that the persons claimed belong to said ship's company. On such application being made, all assistance shall be furnished for the pursuit and arrest of such deserters, who shall even be detained and guarded in the jails of the country, pursuant to the requisition and at the expense of the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, or Consular Agents until they find an opportunity to send the deserters home.

If, however, no such opportunity shall be had for the space of three months from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is understood that persons who are subjects or citizens of the country within which the demand is made shall be exempted from these provisions.

If the deserter shall have committed any crime or offense in the country within which he is found, he shall not be placed at the disposal of the Consul until after the proper tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.

#### 918..ARTICLE XIII.

Except in the case of agreement to the contrary, between the owners, freighters, and insurers, all damages suffered at sea by the vessels of the two countries, whether they put into port voluntarily or are forced so to do by stress of weather, shall be adjusted by the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries.

If, however, any inhabitants of the country, or subjects or citizens of a third nation, shall be interested in such damages, and if the parties cannot agree, recourse may be had to the competent local authorities.

#### 919..ARTICLE XIV.

All necessary measures connected with the salvage of vessels of the United States which shall have been wrecked on the coasts of the Netherlands, with their cargoes and all that appertains to such vessels, shall be taken by the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the United States, and reciprocally, the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the Netherlands shall take such necessary measures in the case of the wreck of vessels of their country on the coasts of the United States.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interest of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

In the absence of and until the arrival of the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular Agents, it shall be the duty of the local authorities to take all necessary measures for the preservation of the persons and property on board of the wrecked vessel.

It is understood that the merchandise saved is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

#### 920..ARTICLE XV.

In case of death of any citizen of the United States in the Netherlands, or of any subject of the Netherlands in the United States, without having in the country of his decease any known heirs, or testamentary executors by him appointed, or in case of minority of the heirs, there being no guardian, the competent local authorities shall at once inform the nearest Consular Officer of the nation to which the deceased belongs, of the circumstance, in order that the necessary information may be immediately forwarded to parties interested.

The said Consular Officer shall have the right to appear personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

#### 921..ARTICLE XVI.

The present convention shall not be applicable to colonies of either of the high contracting parties, and shall not take effect until the twentieth day after its promulgation in the manner prescribed by the laws of the two countries.

It shall remain in force for five years from the date of the exchange of ratifications.

In case neither of the contracting parties shall have given notice twelve months before the expiration of the said period, of its desire to terminate this convention, it shall remain in force for one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice for its termination.

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#### NEW GRANADA.

*Treaty concluded May 4, 1850 (Consular Privileges).*

#### 922..ARTICLE I.

Each of the two contracting republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint Consuls-General, as chiefs over the other Consuls, or to attend to the affairs of several commercial places at the same time, and Vice-Consuls for ports of minor importance, or to act under the direction of the Consuls. Each republic may, however, except those cities, places,

or ports in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this convention of Consuls in general shall be considered as relating not only to Consuls, properly so called, but to Consuls-General and Vice-Consuls, in all the cases to which this convention refers.

### 923..ARTICLE II.

The Consuls appointed by one of the contracting parties to reside in the ports or places of the other shall present to the government of the republic in which they are to reside their letters patent or commission, in order that they may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the Consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogative, in his respective Consular district. The government receiving the Consul may withdraw the exequatur or his Consular commission whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

### 924..ARTICLE III.

The Consuls admitted in either republic may exercise in their respective districts the following functions:

1. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the national government through the Diplomatic Agent of their nation, if there be any, or directly, if there be no such Agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the Consul is engaged.

2. They may apply to the authorities of the Consular district, and in case of necessity they may have recourse to the national government through the Diplomatic Agent of their nation, if there be any, or directly, if there be no such Agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the Consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them or delay, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

3. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.

4. They may accompany the captains, mates, or masters of the vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts, or judges of the country may have

to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

5. They may receive depositions, protests, and statements from captains, mates, and masters of vessels of their nation, respecting losses and injuries sustained at sea, and protests of any individuals of their nation respecting mercantile affairs. These documents, drawn up in authentic copies, certified by the Consul, shall be admitted in the courts and offices of justice, and shall have the same validity as if they had been authenticated before the same judges or courts

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the Consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners, and insurers. But if, among the persons interested in such losses and injuries, there should be inhabitants of the country where the Consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

7. They may compromise amicably, and out of court, the differences arising between their fellow-countrymen, providing that those persons agree voluntarily to submit to such arbitration; in which case the document containing the decision of the Consul, authenticated by himself and by his Chancellor or Secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers, and the members of the crew, unless the disorders taking place on board should disturb the public tranquillity, or persons not belonging to the crew or to the nation in whose service the Consul is employed; in which case the local authorities may interfere.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the Consul resides. In such cases, the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the Consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

10. They may take possession, make inventories, appoint appraisers to estimate the value of articles, and proceed to the sales of the movable property of individuals of their nation who may die in the country where the Consul resides without leaving executors appointed by their will or heirs-at-law. In all such proceedings the Consul shall act in conjunction with two merchants chosen by himself, for drawing up the said papers for delivering the property or the produce of its sale, observing the laws of his country and the orders which he may receive from his own government; but Consuls shall not discharge these functions in those states whose peculiar legislation may not allow it. Whenever there is no Consul in the place where the death occurs, the local authorities shall take all the precautions in their power to secure the property of the deceased.

11. They may demand from the local authorities the arrest of seamen deserting from the vessel of the nation in whose service the Consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document, in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the Consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest at the expense of the Consul, for two months; and if, at the expiration of that time, they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the Consul resides to the port of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

13. They may appoint a Chancellor or Secretary whensoever the Consulate has none and one is required for authenticating documents.

14. They may appoint Commercial Agents to employ all the means in their power, in behalf of individuals of the nation in whose service the Consul is, and for executing the commissions which the Consul may think proper to intrust to them, out of the place of his residence; provided, however, that such agents are not to enjoy the prerogatives conceded to Consuls, but only those which are peculiar to Commercial Agents.

#### 925..ARTICLE IV.

The Consuls of one of the contracting republics residing in another country may employ their good offices in favor of individuals of the other republic which has no Consul in that country.

#### 926..ARTICLE V.

The contracting republics recognize no diplomatic character in Consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but, in order that the said Consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives:

1. The archives and papers of the Consulate shall be inviolable, and cannot be seized by any functionary of the country in which they may be.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the state in whose territory they reside.

3. The Consuls and their Chancellors or Secretaries shall be exempt from all public service and from contributions, personal and extraordinary, imposed in the country where they reside. This exemption does not comprehend the Consuls or their Chancellors or Secretaries who may be natives of the country in which they reside.

4. Whenever the presence of Consuls may be required in courts or offices of justice, they shall be summoned in writing.

5. In order that the dwellings of Consuls may be easily and generally known, for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat of arms of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him; but those insignia shall not be considered as importing a right of asylum, nor as placing the house or its inhabitants beyond the authority of magistrates who may think proper to search them, and who shall have that right in regard to them in the same manner as with regard to the houses of the other inhabitants in the cases prescribed by the laws.

#### 927..ARTICLE VI.

The persons and dwellings of Consuls shall be subject to the laws and authorities of the country in all cases in which they have not received a special exemption by this Convention, and in the same manner as the other inhabitants.

#### 928..ARTICLE VII.

Consuls shall not give passports to any individual of their nation, or going to their nation, who may be held to answer before any authority, court, or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged; provided that in each case proper notice thereof shall have been given to the Consul; and they shall see that the vessels of their nation do not infringe the rules of neutrality when the nation in which the Consul resides is at war with another nation.

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#### NICARAGUA.

*Treaty concluded June 21, 1867 (Friendship, Commerce, and Navigation).*

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#### 929..ARTICLE VIII.

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If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the Minister or Consul, or other Diplomatic Agent, of the nation to which the deceased belonged (or the representative of such Minister or Consul, or other Diplomatic Agent, in case of absence), shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

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## 930..ARTICLE X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party. But before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

The Diplomatic Agents of Nicaragua and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be allowed to the agents of the same rank belonging to the most favored nations; and in the like manner the Diplomatic Agents and Consuls of the United States in Nicaragua shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the republic of Nicaragua to the Diplomatic Agents and Consuls of the most favored nations.

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**ORANGE FREE STATE.**

*Convention concluded December 22, 1871 (Friendship, Commerce, and Extradition).*

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## 931..ARTICLE V.

The contracting parties give to each other the privilege of having, each in their respective states, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges as those of the most favored nation.

But before any Consul or Vice-Consul shall act as such, he shall, in the ordinary form, be approved by the government of the country in which his functions are to be discharged.

In their private and business transactions Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offense against the laws by a Consul or Vice-Consul, the government from which [he received] his exequatur may withdraw the same, send him away from the country, or have him punished in conformity with the laws, assigning to the other government its reason for so doing.

The archives and papers belonging to the Consulates shall be inviolate, and under no pretext whatever shall any magistrate or other functionary inspect, seize, or in any way interfere with them.

## 932..ARTICLE VI.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation, or transit of the natural or industrial products of the other than are or shall be payable upon the like articles being the produce of any other country.

## 933..ARTICLE VII.

Each of the contracting parties hereby engages not to grant any favor in commerce to any nation which shall not immediately be enjoyed by the other party.

## 934..ARTICLE VIII.

The United States of America and the Orange Free State, on requisitions made in their name through the medium of their respective diplomatic or consular agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other.

*Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the person so accused shall be found.

## 935..ARTICLE IX.

Persons shall be delivered up according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: Murder (including assassination, parricide, infanticide, and poisoning), attempt to commit murder, rape, forgery, or the emission of forged papers, arson, robbery with violence, intimid[ia]tion or forcible entry of an inhabited house, piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

## 936..ARTICLE X.

The surrender shall be made by executives of the contracting parties respectively.

## 937..ARTICLE XI.

The expense of detention and delivery effected pursuant to the preceding articles shall be at the cost of the party making the demand.

## 938..ARTICLE XII.

The provisions of the foregoing articles relating to the surrender of fugitive criminals shall not apply to offenses committed before the date hereof, nor to those of a political character.

## 939..ARTICLE XIII.

The present convention is concluded for the period of ten years, from the day of the exchange of the ratifications, and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention, to the other, to arrest



the operations of the said convention, it shall continue binding for twelve months longer, and so on from year to year, until the expiration of the twelve months, which will follow a similar declaration, whatever the time at which it may take place.

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**THE OTTOMAN PORTE.**

*Treaty concluded May 7, 1830 (Commerce and Navigation).*

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**940..ARTICLE II.**

The Sublime Porte may establish *Shahbenders* (Consuls) in the United States of America, and the United States may appoint their citizens to be Consuls or Vice-Consuls at the commercial places in the dominions of the Sublime Porte where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice-Consuls shall be furnished with *birats* or *firmans*; they shall enjoy suitable distinction, and shall have necessary aid and protection.

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**941..ARTICLE IV.**

If litigations and disputes should arise between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgments be pronounced, unless the American Dragoman be present. Causes in which the sum may exceed five hundred piasters shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offense, shall not be molested; and even when they may have committed some offense they shall not be arrested and put in prison by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offense, following, in this respect, the usage observed toward other Franks.\*

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\*The Ottoman Porte declines to accept the interpretation of a portion of Article IV which is given in the English translation of the treaty of 1830, with Turkey, as follows: "But they shall be tried by their Minister or Consul and punished according to their offense, following, in this respect, the usage observed toward other Franks," and claims that the terms of the original Turkish text, which was accepted by the American negotiator to be strictly observed on all occasions, does not affect the rights of the Turkish Government with respect to the preventive arrest and holding in custody of foreign subjects during criminal proceedings of which they may be the objects, and that it accords to Americans the same privilege which the subjects of other powers already enjoyed, viz, the leaving to the Minister or Consul the execution of the punishments to which Americans may be condemned in case of crimes or offenses.

Mr. Morris, United States Minister to Turkey, was informed on the 19th of October, in dispatch No. 221, that the President had determined to submit the facts to the consideration of the Senate and await its resolution before inaugurating diplomatic action. Mr. Morris was instructed in the mean time to avoid, and direct our Consular Officers to avoid, making any issue, the maintaining of which depended upon the English version of the fourth and seventh articles, which is contained in our statutes, or drawing in question the construction which the Government of Turkey put upon the original documents.

## 942..ARTICLE V.

American merchant-vessels that trade to the dominions of the Sublime Porte may go and come in perfect safety with their own flag; but they shall not take the flag of any other power, nor shall they grant their flag to the vessels of other nations and powers, nor to the vessels of rayahs. The Ministers, Consuls, and Vice-Consuls of the United States shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

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## 943..ARTICLE IX.

If any merchant-vessel of either the contracting parties should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved, and the merchandise and effects which it may be possible to save and recover shall be conveyed to the Consul nearest to the place of the wreck, to be by him delivered to the proprietors.

*Protocol concluded August 11, 1874 (Right of Foreigners to hold real estate in the Ottoman Empire).*

## 944..PROTOCOL.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the imperial government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow.

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority and with the assistance of the magistrate or functionary invested with the necessary powers, the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force cannot enter it without the assistance of the Consul or of the delegate of the Consul of the power on which the foreigner depends.

By residence we understand the house of inhabitation and its dependencies; that is to say, the out-houses, courts, gardens, and neighboring inclosures, to the exclusion of all other parts of the property.

In the localities distant by less than nine hours' journey from the Consular residence, the agents of the public force cannot enter the residence of a foreigner without the assistance of a Consul, as was before said.

On his part the Consul is bound to give his immediate assistance to the local authority, so as not to let six hours elapse between the moment which he may be informed and the moment of his departure, or the de-

parture of his delegate, so that the action of the authorities may never be suspended more than twenty-four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the Consular Agent, the agents of the public force may, on the request of the local authority, and with the assistance of three members of the Council of the Elders of the Commune, enter into the residence of a foreigner, without being assisted by the Consular Agent, but only in case of urgency, and for the search and the proof of the crime of murder, of attempt at murder, of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion, and of the fabrication of counterfeit money, and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or in any other place.

These Regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence, the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offense should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit, in the exceptional circumstances determined before, and the members of the Council of Elders who shall assist him, will be obliged to make out a *procès-verbal* of the domiciliary visit, and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest Consular Agent without delay.

A special regulation will be promulgated by the Sublime Porte, to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the Consular Agent, in which the law of the judicial organization of the Velayet may be in force, foreigners shall be tried, without the assistance of the Consular Delegate, by the Council of Elders fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding one thousand piasters as for offenses entailing a fine of five hundred piasters only at the maximum.

Foreigners shall have, in any case, the right of appeal to the tribunal of the arrondissement against the judgments issued, as above stated, and the appeal shall be followed and judged with the assistance of the Consul, in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore, not take place without the co-operation of the Consul or of his Delegate.

The imperial government will enact a law which shall determine the rules of procedure to be observed by the parties in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the Council of Elders or of the tribunal of the canton without the assistance of the Consul in cases which do not exceed

the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the arrondissement, where the case may be brought and tried with the assistance of the Consul or his Delegate.

The consent of a foreigner to be tried, as above stated, without the assistance of his Consul, shall always be given in writing and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defense and the publicity of the hearings shall be assured in all cases to foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties, a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly powers.

In witness whereof the respective plenipotentiaries have signed the protocol and have affixed thereto their seals.

Done at Constantinople the eleventh of August, one thousand eight hundred and seventy-four.

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#### PARAGUAY.

*Treaty concluded February 4, 1859 (Friendship, Commerce, and Navigation).*

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#### 945..ARTICLE X.

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In the event of any citizen of either of the two contracting parties dying without will or testament in the territory of the other contracting party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or, in his absence, the representative of such Consul-General, Consul, or Vice-Consul, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul-General, Consul, or Vice-Consul, or his representative.

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#### 946..ARTICLE XII.

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and either of the two contracting parties may except from the residence of Consuls such particular places as either of them may judge fit to be excepted.

The Diplomatic Agents and Consuls of the United States of America in the territories of the Republic of Paraguay shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to the Diplomatic Agents and Consuls of any other nation whatever; and, in like manner, the Diplomatic Agents and Consuls of the Republic of Paraguay in the United States of America shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to agents of any other nation whatever.

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#### 947..ARTICLE XIV.

The citizens of either of the two contracting parties residing in the territories of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the government in as full and ample a manner as native citizens.

In like manner the citizens of each contracting party shall enjoy, in the territories of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The citizens of the United States of America residing within the territories of the Republic of Paraguay shall be at liberty to exercise, in private and in their own dwellings, or within the dwellings or offices of the Consuls or Vice-Consuls of the United States of America, their religious rites, services, and worship, and to assemble therein for that purpose without hindrance or molestation.

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#### PERSIA.

*Treaty concluded December 13, 1856 (Friendship and Commerce).*

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#### 948..ARTICLE V.

All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred at the place where a Consul or Agent of the United States may reside, and shall be discussed and decided according to equity in the presence of an employé of the Consul or Agent of the United States.

All suits and disputes which may arise in the Empire of Persia between citizens of the United States shall be referred entirely for trial and for adjudication to the Consul or Agent of the United States residing in the province wherein such suits and disputes may have arisen, or in the province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers shall be tried and adjudicated by the intermediation of their respective Consuls or Agents.

In the United States, Persian subjects in all disputes arising between themselves, or between them and citizens of the United States or foreigners, shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States residing in Persia, shall, when charged with criminal offenses, be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the above-mentioned countries.

#### 949..ARTICLE VI.

In case of a citizen or subject of either of the contracting parties dying within the territories of the other, his effects shall be delivered up integrally to the family or partners in business of the deceased; and in case he has no relations or partners, his effects in either country shall be delivered up to the Consul or Agent of the nation of which the deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

#### 950..ARTICLE VII.

For the protection of their citizens or subjects, and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a Diplomatic Agent at either seat of government, and to name each three Consuls in either country; those of the United States shall reside at Teheran, Bender, Bushir, and Tauris; those of Persia at Washington, New York, and New Orleans.

The Consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect, privileges, and immunities, granted in either country to the Consuls of the most favored nation. The Diplomatic Agent or Consuls in the United States shall not protect, secretly or publicly, the subjects of the Persian Government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those Consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the high contracting parties that the Diplomatic and Consular Agents of the United States shall not employ a greater number of domestics than is allowed by treaty to those of Russia residing in Persia.

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**PERU.**

*Treaty concluded September 6, 1870 (Friendship, Commerce, and Navigation).*

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**951..ARTICLE XXXII.**

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective Consular districts, all the rights, privileges, and immunities of the Consuls and Vice-Consuls of the most favored nation; but to enjoy the rights, prerogatives, and immunities which belong to them in virtue of their public character, the Consuls and Vice-Consuls shall, before exercising their official functions, exhibit to the government to which they are accredited their commissions or patents in due form, in order to receive their exequatur, after receiving which they shall be acknowledged, in their official characters by the authorities, magistrates, and inhabitants of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of Consuls and Vice-Consuls may not seem to be convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

**952..ARTICLE XXXIII.**

The Consuls, Vice-Consuls, their officers and persons employed in their Consulates, shall be exempt from all public service, and from all kinds of taxes, imposts, and contributions except those which they shall be lawfully held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being in other respects subject to the laws of the respective countries. The archives and papers of the Consulates shall be inviolably respected, and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

**953..ARTICLE XXXIV.**

The Consuls and Vice-Consuls shall have power to require the assistance of the public authorities of the country in which they reside, for the arrest, detention, and custody of deserters from the vessels-of-war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant-vessel, the Consuls or Vice-Consuls must address themselves to the competent authority, and demand the deserters in writing, proving by the ship's roll, or other public document, that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel-of-war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and

when the demand of the Consuls or Vice-Consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the Consuls or Vice-Consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong, or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority, or other person within their respective dominions, to harbor or protect such deserters.

#### 954..ARTICLE XXXV.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a Consular Convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

#### 955..ARTICLE XXXVI.

Until the conclusion of a Consular Convention the high contracting parties agree that, in the absence of the legal heirs or representatives, the Consuls or Vice-Consuls of either party shall be *ex officio* the executors or administrators of the citizens of their nation who may die within their Consular jurisdictions, and of their countrymen dying at sea, whose property may be brought within their district. The said Consuls or Vice-Consuls shall call in a justice of the peace, or some other judicial authority, to assist in taking an inventory of the effects and property left by the deceased, after which the said effects shall remain in the hands of the said Consuls or Vice-Consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective governments. And where the deceased has been engaged in commerce or other business, the Consuls or Vice-Consuls shall hold the effects and property so remaining until the expiration of twelve calendar months; during which time the creditors, if any, of the deceased shall have the right to present their claims and demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that, if no claim or demand shall have been made against the effects and property of an individual so deceased, the Consuls or Vice-Consuls, at the expiration of the twelve calendar months, may close the estate, and dispose of the effects and property, in accordance with the instructions from their own government.

#### 956..ARTICLE XXXVII.

As a consequence of the principles of equality herein established, in virtue of which the citizens of each one of the high contracting parties



enjoy in the territory of the other the same rights as natives, and receive from the respective governments the same protection in their persons and property, it is declared that only in case that such protection should be denied, on account of the fact that the claims preferred have not been promptly attended to by the legal authorities, or that manifest injustice has been done by such authorities, and after all the legal means have been exhausted, then alone shall diplomatic intervention take place.

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**PORTUGAL.**

*Treaty concluded August 26, 1840 (Commerce and Navigation).*

**957..ARTICLE X.**

The two contracting parties shall have the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation. But, before any Consul, Vice-Consul, Agent, or Commissary shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent.

But if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place, in respect of their commercial transactions.

And it is hereby declared that, in case of offense against the laws, such Consul, Vice-Consul, Agent, or Commissary may either be punished according to law, or be sent back, the offended government assigning to the other reasons for the same.

The archives and papers of the Consulate shall be respected inviolably; and under no pretext whatever shall any magistrate seize or in any way interfere with them.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right as such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captains, should disturb the order or the tranquillity, or offend the laws of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment, or arbitration, shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authorities of their country.

**958..ARTICLE XI.**

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest,

detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand the said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall be made without delay.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, the surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

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### RUSSIA.

*Treaty concluded December 6-18, 1832 (Navigation and Commerce).*

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### 959. . ARTICLE VIII.

The two contracting parties shall have the liberty of having in their respective ports Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consul shall exercise commerce, he shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or the tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

## 960..ARTICLE IX.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence and such sentence shall have been carried into effect.

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**THE SAMOAN ISLANDS.**

*Treaty concluded January 17, 1878 (Friendship and Commerce).*

## 961..ARTICLE I.

There shall be perpetual peace and friendship between the Government of the United States and the Government of the Samoan Islands.

## 962..ARTICLE II.

Naval vessels of the United States shall have the privilege of entering and using the port of Pagopago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind, and to sell the same to any of the inhabitants of those Islands, whether natives or foreigners, or to barter them for the products of the Islands. All such traffic in whatever articles of trade or barter shall be free, except that the trade in fire-arms and munitions of war in the Islands shall be subject to regulations by that government.

## 963..ARTICLE III.

No import or export duty shall be charged on the cargoes of the vessels of the United States entering or clearing from the ports of the Samoan Islands, and no other than a tonnage duty of one-half of one per cent. per ton actual measurement shall be charged on the entrance of such vessels.

## 964..ARTICLE IV.

All disputes between citizens of the United States in the Samoan Islands, whether relating to civil matters or to offenses or crimes, shall be heard and determined by the Consul of the United States at Apia, Samoa, under such regulations and limitations as the United States may provide; and all disputes between citizens of the United States and the people of those Islands shall be heard by that Consul in conjunction with such officer of the Samoan Government as may be designated for that purpose. Crimes and offenses in cases where citizens of the United States may be convicted shall be punished according to the laws of their country; and in cases where the people of the Samoan Islands may be convicted, they shall be punished pursuant to Samoan laws and by the authorities of that country.

## 965..ARTICLE V.

If, unhappily, any differences should have arisen, or shall hereafter arise, between the Samoan Government and any other government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation.

## 966..ARTICLE VI.

The Government of Samoa agrees to allow to the Government and citizens of the United States free and equal participation in any privileges that may have been or may hereafter be granted to the government, citizens, or subjects of any other nation.

## 967..ARTICLE VII.

The present treaty shall remain in force for ten years from its date. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either party shall have given notice to the other of such intention.

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**SALVADOR.**

*Treaty concluded December 6, 1870 (Amity, Commerce, and Consular Privileges).*

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## 968..ARTICLE XXXI.

Each of the two contracting republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign

commerce, Consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint Consuls-General, as chiefs over the other Consuls, or to attend to the affairs of several commercial places at the same time, and Vice-Consuls for ports of minor importance, or to act under the direction of the Consuls. Each republic may, however, except those cities, places, or ports in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this treaty of Consuls in general shall be considered as relating not only to Consuls, properly so-called, but to Consuls-General and Vice-Consuls in all the cases to which this treaty refers.

#### 969..ARTICLE XXXII.

The Consuls appointed by one of the contracting parties to reside in the ports or places of the other shall present to the government of the republic in which they are to reside their letters-patent or commission, in order that they may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the Consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogative in his respective Consular district. The government receiving the Consul may withdraw the exequatur or his Consular commission, whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

#### 970..ARTICLE XXXIII.

The Consuls admitted in either republic may exercise in their respective districts the following functions:

1. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the national government through the Diplomatic Agent of their nation, if there be any, or directly if there be no such Agent, in complaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the Consul is engaged.

2. They may apply to the authorities of the Consular district, and, in case of necessity, they may have recourse to the national government through the Diplomatic Agent of their nation, if there be any, or directly if there be no such Agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the Consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them or delayed, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

3. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the

respective authorities of the place, in all cases in which their support may be necessary.

4. They may accompany the captains, mates, or masters of vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts, or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

5. They shall have the right, in the ports or places to which they are or may be severally appointed, of receiving the protests or declarations which such captains, masters, crews, passengers, and merchants as are citizens of their country may respectively choose to make there; and also such as any foreigners may choose to make before them relative to the personal interests of any of their citizens; and the copies of said acts, duly authenticated by the said Consuls under the seal of their Consulates, respectively, shall receive faith in law, as if they had been authenticated before the judges or courts of the respective countries.

6. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the Consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners, and insurers. But if among the persons interested in such losses and injuries there should be inhabitants of the country where the Consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

7. They may compromise amicably, and out of court, the differences arising between their fellow-countrymen, providing that those persons agree voluntarily to submit to such arbitration; in which case the document containing the decision of the Consul, authenticated by himself and his Chancellor or Secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers, and the members of the crew, unless the disorders taking place on board should disturb the public tranquility, or persons not belonging to the crew or to the nation in whose service the Consul is employed, in which case the local authorities may interfere.

9. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the Consul resides. In such cases the local authorities shall interfere only in order to maintain tranquility, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the Consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

10. They shall take possession of the personal or real estate left by any of their citizens who shall die within their Consulate, leaving no legal representative or trustee by him appointed to take charge of his effects; they shall inventory the same with the assistance of two merchants, citizens of the respective countries, or for want of them, of any others whom the Consuls may choose; shall cause a notice of the death to be published

in some newspaper of the country where they reside; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have contracted; shall sell at auction, after reasonable public notice, such of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, but they shall pay no claims not reduced to a judgment for damages on account of any wrongful act alleged to have been done by the deceased. Whensoever there is no Consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased, and immediately notify the nearest Consul of the country to which the deceased belonged.

11. They may demand from the local authorities the arrest of seamen deserting from the vessel of the nation in whose service the Consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the Consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest at the expense of the Consul for two months; and if at the expiration of that time they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

12. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the Consul resides to the port of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

13. They may appoint a Chancellor or Secretary whensoever the Consulate has none and one is required for authenticating documents.

14. They may appoint Commercial Agents to employ all the means in their power in behalf of individuals of the nation in whose service the Consul is, and for executing the commissions which the Consul may think proper to intrust to them out of the place of his residence: *Provided*, however, that such Agents are not to enjoy the prerogatives conceded to Consuls, but only those which are peculiar to Commercial Agents.

#### 971..ARTICLE XXXIV.

The Consuls of one of the contracting republics residing in another country may employ their good offices in favor of individuals of the other republic which has no Consul in that country.

#### 972..ARTICLE XXXV.

The contracting republics recognize no diplomatic character in Consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but in order

that the said Consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives:

1. The Consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the archives or papers there deposited. In no case shall those offices or dwellings be used as places of asylum. When, however, a Consular Officer is engaged in business, the papers relating to the Consulate shall be kept separate.

2. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the state in whose territory they reside.

3. The Consuls and their Chancellors or Secretaries shall be exempt from all public service and from contributions, personal and extraordinary, imposed in the country where they reside, and they shall be exempt from arrest, except in the case of offenses which the local legislation qualifies as crimes and punishes as such. This exemption does not comprehend the Consuls or their Chancellors or Secretaries who may be natives of the country in which they reside.

4. No Consular Officer who is not a citizen of the country to which he is accredited shall be compelled to appear as a witness before the courts of the country where he resides. When the testimony of such Consular Officer is needed, it shall be asked in writing, or some one shall go to his house to take it *viva voce*. If, however, the testimony of a Consular Officer in either country should be necessary for the defense of a person charged with a crime and should not be voluntarily given, compulsory process requiring the presence of such Consular Officer as a witness may be issued.

5. In order that the dwellings of Consuls may be easily and generally known for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coat of arms of the nation in whose service the Consul may be, with an inscription expressing the functions discharged by him.

### 973..ARTICLE XXXVI.

Consuls shall not give passports to any individual of their nation, or going to their nation, who may be held to answer before any authority, court, or judge of the country for delinquencies committed by them, or for a demand which may have been legally acknowledged, provided that in each case proper notice thereof shall have been given to the Consul.

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### SIAM.

*Treaty concluded May 29, 1856 (Peace and Friendship).*

### 974..ARTICLE I.

There shall henceforward be perpetual peace and friendship between the United States and their Majesties the first and second Kings of Siam and their successors.



All American citizens coming to Siam shall receive from the Siamese Government full protection and assistance to enable them to reside in Siam in all security, and trade with every facility, free from oppression or injury on the part of the Siamese. Inasmuch as Siam has no ships trading to the ports of the United States, it is agreed that the ships of war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American Consuls residing at ports visited by Siamese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

#### 975..ARTICLE II.

The interests of all American citizens coming to Siam shall be placed under the regulations and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American citizens of all the provisions of this treaty, and such of the former treaty, negotiated by Mr. Edmund Roberts in 1833, as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any disputes arising between American citizens and Siamese subjects shall be heard and determined by the Consul, in conjunction with the proper Siamese officers, and criminal offenses will be punished, in the case of American offenders, by the Consul, according to American laws, and in the case of Siamese offenders by their own laws, through the Siamese authorities. But the Consul shall not interfere in any matters referring solely to Siamese; neither will the Siamese authorities interfere in questions which only concern the citizens of the United States.

#### 976..ARTICLE III.

If Siamese in the employ of American citizens offend against the laws of their country, or if any Siamese, having so offended, or desiring to desert, take refuge with American citizens in Siam, they shall be searched for, and, upon proof of their guilt or desertion, shall be delivered up by the Consul to the Siamese authorities. In like manner, any American offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese territory, shall be apprehended and delivered over to the American Consul on his requisition.

#### 977..ARTICLE IV.

American citizens are permitted to trade freely in all the seaports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this treaty.

American citizens coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase land within the circuit of two hundred *seng* (not more than four miles English) from the city

walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government to enable them to do so. But, with the exception of this limitation, American residents in Siam may, at any time, buy or rent houses, lands, or plantations situated anywhere within a distance of twenty-four hours' journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses it will be necessary that the American citizen shall, in the first place, make application through the Consul to the proper Siamese officer, and the Siamese officer and the Consul, having satisfied themselves of the honest intentions of the applicant, will assist him in settling, upon equitable terms, the amount of the purchase money; will make out and fix the boundaries of the property, and will convey the same to the American purchaser under sealed deeds, whereupon he and his property shall be placed under the protection of the governor of the district, and that of the particular local authorities. He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation that is levied on Siamese subjects. But if, through negligence, the want of capital, or other cause, an American citizen should fail to commence the cultivation or improvement of the lands so acquired within a term of three years from the date of receiving possession thereof, the Siamese Government shall have the power of resuming the property upon returning to the American citizen the purchase-money paid by him for the same.

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#### 978..ARTICLE VI.

American ships of war may enter the river and anchor at Paknam; but they shall not proceed above Paknam unless with the consent of the Siamese authorities, which shall be given where it is necessary that a ship shall go into dock for repairs. Any American ships of war conveying to Siam a public functionary, accredited by the American Government to the court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the forts called Phrachamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese Government. But in the absence of an American ship of war, the Siamese authorities engage to furnish the Consul with a force sufficient to enable him to give effect to his authority over American citizens and to enforce discipline among American shipping.

#### 979..ARTICLE VII.

The measurement duty hitherto paid by American vessels trading to Bangkok under the treaty of 1833 shall be abolished from the date of this treaty coming into operation, and American shipping or trade will thenceforth only be subject to the payment of import and export duties on the goods landed or shipped.

On the articles of import the duty shall be three per cent., payable, at the option of the importer, either in kind or money, calculated upon the market value of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsalable and re-exported. Should the American merchant and the custom-house officers disagree as to the

value to be set upon imported articles, such disputes shall be referred to the Consul and a proper Siamese officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two on either side, to assist them in coming to an equitable decision.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be re-exported, and no impost or duty shall be levied thereon. Any infringement of this regulation shall subject the opium to seizure and confiscation.

Articles of export, from the time of production to the date of shipment, shall pay one impost only, whether this be levied under the name of inland tax, transit duty, or duty on exportation. The tax or duty to be paid on each article of Siamese produce previous to or upon exportation is specified in the tariff attached to this treaty; and it is distinctly agreed that goods or produce that pay any description of tax in the interior shall be exempted from any further payment of duty on exportation. American merchants are to be allowed to purchase directly from the producer the articles in which they trade, and in like manner to sell their goods directly to the parties wishing to purchase the same, without the interference in either case of any other person.

The rates of duty laid down in the tariff attached to this treaty are those that are now paid upon goods or produce shipped in Siamese or Chinese vessels or junks, and it is agreed that American shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to, Siamese or Chinese vessels or junks.

American citizens will be allowed to build ships in Siam on obtaining permission to do so from the Siamese authorities.

Whenever a scarcity may be apprehended of salt, rice, and fish, the Siamese Government reserve to themselves the right of prohibiting by public proclamation the exportation of these articles, giving 30 days' (say thirty days) notice, except in case of war.

Bullion or personal effects may be imported or exported free of charge.

### 980..ARTICLE VIII.

The code of regulations appended to this treaty shall be enforced by the Consul, with the co-operation of the Siamese authorities; and they, the said authorities and Consuls, shall be enabled to introduce any further regulations which may be found necessary in order to give effect to the objects of this treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this treaty shall be paid to the Siamese Government.

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*General regulations under which American trade is to be conducted in Siam.*

### 981..REGULATION FIRST.

The master of every American ship coming to Bangkok to trade must, either before or after entering the river, as may be found convenient,

report the arrival of his vessel at the custom-house at Paknam, together with the number of his crew and guns, and the port from whence he comes. Upon anchoring his vessel at Paknam, he will deliver into the custody of the custom-house officers all his guns and ammunition, and a custom-house officer will then be appointed to the vessel, and will proceed in her to Bangkok.\*

## REGULATION SECOND.

A vessel passing Paknam without discharging her guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam, to comply with its provisions, and will be fined eight hundred ticals for having so disobeyed. After delivery of her guns and ammunition she will be permitted to return to Bangkok to trade.

## REGULATION THIRD.

When an American vessel shall have cast anchor at Bangkok, the master, unless a Sunday should intervene, will, within four and twenty hours after arrival, proceed to the American consulate and deposit there his ship's papers, bills of lading, &c., together with a true manifest of his import cargo; and upon the Consul's reporting these particulars to the custom-house, permission to break bulk will at once be given by the latter.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself, in each instance, to a penalty of four hundred ticals; but he will be allowed to correct, within twenty-four hours after delivery of it to the Consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty.

## REGULATION FOURTH.

An American vessel breaking bulk and commencing to discharge before due permission shall be obtained, or smuggling, either when in the river or outside the bar, shall be subject to the penalty of eight hundred ticals, and confiscation of the goods so smuggled or discharged.

## REGULATION FIFTH.

As soon as an American vessel shall have discharged her cargo, and completed her outward lading, paid all her duties, and delivered a true manifest of her outward cargo to the American Consul, a Siamese port clearance shall be granted her, on application from the Consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there she will be inspected by the custom-house officers of that station, and will receive from them the guns and ammunition previously delivered into their charge.

\* By a decree of the Siamese Government, dated December 17, 1867, regulation first is so far modified as to require the deposit of powder only, the guns being allowed to remain on board.

## REGULATION SIXTH.

The American Plenipotentiary having no knowledge of the Siamese language, the Siamese Government have agreed that the English text of these regulations, together with the treaty of which they form a portion, and the tariff hereunto annexed, shall be accepted as conveying, in every respect, their true meaning and intention.

## REGULATION SEVENTH.

All American citizens intending to reside in Siam shall be registered at the American Consulate; they shall not go out to sea nor proceed beyond the limits assigned by the treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American Consul; nor shall they leave Siam if the Siamese authorities show to the American Consul that legitimate objections exist to their quitting the country. But within the limits appointed under Article IV of the treaty, American citizens are at liberty to travel to and fro, under the protection of a pass to be furnished them by the American Consul, and counter-sealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the government stations in the interior may at any time call for the production of this pass; and immediately on its being exhibited, they must allow the parties to proceed; but it will be their duty to detain those persons who, by traveling without a pass from the Consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the Consul.

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**SPAIN.**

*Treaty concluded October 27, 1795 (Friendship, Limits, and Navigation).*

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**982—ARTICLE XIX.**

Consuls shall be reciprocally established, with the privileges and powers which those of the most favored nations enjoy, in the ports where their Consuls reside or are permitted to be.

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*Treaty concluded February 22, 1819 (Amity, Settlement, and Limits).*

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**983..ARTICLE XIII.**

Both contracting parties, wishing to favor their mutual commerce, by affording in their ports every necessary assistance to their respective

merchant-vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other shall be arrested and delivered up, at the instance of the Consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation; that is to say, the American Consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish Consul in American ports the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

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### SWEDEN AND NORWAY.

*Treaty concluded July 4, 1827 (Commerce and Navigation).*

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#### 984..ARTICLE XIII.

Each of the high contracting parties grants to the other the privilege of appointing, in its commercial ports and places, Consuls, Vice-Consuls, and Commercial Agents, who shall enjoy the full protection, and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that, in case of illegal or improper conduct with respect to the laws or government of the country in which said Consuls, Vice-Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended government, which shall acquaint the other with its motives for having thus acted; it being understood, however, that the archives and documents relative to the affairs of the Consulate shall be exempt from all search, and shall be carefully preserved under the seals of the Consuls, Vice-Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice-Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crew or of the captain should disturb the order or tranquillity of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of the country.

#### 985..ARTICLE XIV.

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local authorities for the arrest, detention,

and imprisonment of the deserters from the ships of war and merchant-vessels of their country; and, for this purpose, they shall apply to the competent tribunals, judges, and officers, and shall, in writing, demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crew, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

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### SWISS CONFEDERATION.

*Concluded November 25, 1850 (Friendship, Commerce, and for the Surrender of Fugitive Criminals).*

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#### 986..ARTICLE VII.

The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective States, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers, in the discharge of their duties, as those of the most favored nations. But before any Consul or Vice-Consul shall act as such, he shall in the ordinary form be approved of by the government to which he is commissioned.

In their private and business transactions Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offense against the laws by a Consul or Vice-Consul, the government to which he is commissioned may, according to circumstances, withdraw his exequatur, send him away from the country, or have him punished in conformity with the laws, assigning to the other government its reasons for so doing.

The archives and papers belonging to the Consulates shall be respected inviolably, and under no pretext whatever shall any magistrate or other functionary visit, seize, or in any way interfere with them.

#### 987..ARTICLE XIII.

The United States of America and the Swiss Confederation, on requisitions made in their name through the medium of their respective Diplo-

matic or Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found.

**988..ARTICLE XIV.**

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit:

Murder (including assassination, parricide, infanticide, and poisoning); attempt to commit murder; rape; forgery, or the emission of forged papers; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

**989..ARTICLE XV.**

On the part of the United States, the surrender shall be made only by the authority of the Executive thereof; and on the part of the Swiss Confederation, by that of the Federal Council.

**990..ARTICLE XVI.**

The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

**991..ARTICLE XVII.**

The provisions of the foregoing articles relating to the surrender of fugitive criminals shall not apply to offenses committed before the date hereof, nor to those of a political character.

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**TRIPOLI.**

*Treaty concluded June 4, 1805 (Peace and Amity).*

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**992..ARTICLE VI.**

Proper passports shall immediately be given to vessels of both the contracting parties, on condition that the vessels of war belonging to the regency of Tripoli, on meeting with merchant-vessels belonging to citizens of the United States of America, shall not be permitted to visit them



with more than two persons besides the rowers; these two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruiser belonging to the regency of Tripoli, and having seen her passport and certificate from the Consul of the United States of America residing in the regency, shall permit her to proceed on her cruise unmolested, and without detention. No passport shall be granted by either party to any vessels but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretense whatever.

993..ARTICLE XI.

The commerce between the United States of America and the regency of Tripoli; the protections to be given to merchants, masters of vessels, and seamen; the reciprocal rights of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing with those of the most favored nations, respectively.

994..ARTICLE XII.

The Consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

995..ARTICLE XIII.

On a vessel of war belonging to the United States of America anchoring before the city of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

996..ARTICLE XIV.

As the Government of the United States of America has, in itself, no character of enmity against the laws, religion, or tranquility of Musselmen, and as the said states never have entered into any voluntary war or act of hostility against any Mohometan nation, except in the defense of their just rights to freely navigate the high seas, it is declared by the contracting parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations.

And the Consuls and Agents of both nations, respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to the said Consul's house at hours of prayer. The Consuls shall have liberty and personal security given them to travel within the territories of each other, both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have, likewise, the liberty to appoint their own Dragoman and Brokers.

#### 997..ARTICLE XV.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the government of that country shall state their grievances in writing, and transmit it to the government of the other; and the period of twelve calendar months shall be allowed for answers to be returned; during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the Consuls and citizens or subjects of both parties, reciprocally, shall be permitted to embark unmolested on board of what vessel or vessels they shall think proper.

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#### 998..ARTICLE XVIII.

If any of the citizens of the United States, or any person under their protection, shall have any dispute with each other, the Consul shall decide between the parties; and whenever the Consul shall require any aid or assistance from the Government of Tripoli to enforce his decision, it shall immediately be granted to him; and if any dispute shall arise between any citizen of the United States and the citizens or subjects of any other nation having a Consul or Agent in Tripoli, such disputes shall be settled by the Consuls or Agents of the respective nations.

#### 999..ARTICLE XIX.

If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

#### 1000..ARTICLE XX.

Should any citizen of the United States of America die within the limits of the regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will.

Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the Bashaw or his subjects give hinderance in the execution of any will that may appear.

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**TUNIS.**

*Treaty concluded August, 1797 (Peace and Friendship).*

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**1001..ARTICLE XI.**

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute there shall be no question about it.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted and returned by the vessel in as many barrels of caannon powder.

The same shall be done with respect to the Tunisian corsairs when they shall enter any port of the United States.

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**1002..ARTICLE XVII.**

Each of the contracting parties shall be at liberty to establish a Consul in the dependencies of the other; and if such Consul does not act in conformity with the usages of the country, like others, the government of the place shall inform his government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the government; and he may import for his own use all his provisions and furniture, without paying any duty; and if he shall import merchandise (which it shall be lawful for him to do), he shall pay duty for it.

**1003..ARTICLE XVIII.**

If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the Consul nor the nation, nor any subjects or citizens thereof, shall be in any manner responsible, except they or the Consul shall have previously become bound in writing; and without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

**1004..ARTICLE XIX.**

In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the Consul or the Vekil shall take

possession of his effects (if he does not leave a will), of which he shall make an inventory; and the government of the place shall have nothing to do therewith; and if there shall be no Consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

#### 1005..ARTICLE XX.

The Consul shall be the judge of all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the government where he resides to sanction his decisions it shall be granted to him.

#### 1006..ARTICLE XXI.

If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done according to the laws of the country where the offense shall be committed; the Consul shall be present at the trial; but if any offender shall escape, the Consul shall be in no manner responsible for it.

#### 1007..ARTICLE XXII.

If a dispute or lawsuit on commercial or other civil matters shall happen, the trial shall be had in the presence of the Consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

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#### TURKEY.

(See *The Ottoman Porte.*)

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APPENDIX No. II.

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CONVENTIONS RELATING TO NATURALIZATION.

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# CONVENTIONS RELATING TO NATURALIZATION, REFERRED TO IN THE TEXT.

## AUSTRIA-HUNGARY.

*Convention concluded on the 20th of September, 1870.*

### 1008..ARTICLE I.

Citizens of the Austro-Hungarian monarchy who have resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Austria and Hungary to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy uninterruptedly at least five years, and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy, shall be held by the United States to be citizens of the Austro-Hungarian Monarchy, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

### 1009..ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular, a former citizen of the Austro-Hungarian Monarchy, who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for non-fulfillment of military duty: 1st. If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army. 2d. If he has emigrated while he stood in service under the flag, or had a leave of absence only for a limited time. 3d. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out. On the other hand, a

former citizen of the Austro-Hungarian Monarchy, naturalized in the United States, who by, or after, his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two, and three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty.

#### 1010..ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded on the 3d July, 1856, between the Government of the United States of America on the one part, and the Austro-Hungarian Monarchy on the other part, as well as the additional convention, signed on the 8th May, 1848, to the treaty of commerce and navigation concluded between the said governments on the 27th of August, 1839, and especially the stipulations of Article IV of the said additional convention concerning the delivery of the deserters from the ships of war and merchant-vessels, remain in force without change.

#### 1011..ARTICLE IV.

The emigrant from the one State, who, according to Article I, is to be held as a citizen of the other State, shall not, on his return to his original country, be constrained to resume his former citizenship; yet, if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

#### 1012..ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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#### BADEN.

*Convention concluded July 19, 1868.*

#### 1013..ARTICLE I.

Citizens of the Grand Duchy of Baden, who have resided uninterruptedly within the United States of America five years, and before, during, or after that time have become, or shall become, naturalized citizens of



the United States, shall be held by Baden to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America, who have resided uninterruptedly within the Grand Duchy of Baden five years, and before, during, or after that time have become, or shall become, naturalized citizens of the Grand Duchy of Baden, shall be held by the United States to be citizens of Baden, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

#### 1014..ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment. In particular, a former Badener who, under the first article, is to be held as an American citizen, is liable to trial and punishment according to the laws of Baden for non-fulfillment of military duty—

1. If he has emigrated after he, on occasion of the draft from those owing military duty, has been enrolled as a recruit for service in the standing army.

2. If he has emigrated while he stood in service under the flag, or had a leave of absence only for a limited time.

3. If, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former Badener, naturalized in the United States, who, by or after his emigration, has transgressed or shall transgress the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one to three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the non-fulfillment of his military duty. Moreover, the attachment on the property of an emigrant for non-fulfillment of his military duty, except in the cases designated in the clauses numbered one to three, shall be removed so soon as he shall prove his naturalization in the United States according to the first article.

#### 1015..ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, concluded between the Grand Duchy of Baden on the one part, and the United States of America on the other part, the thirtieth day of January, one thousand eight hundred and fifty-seven, remains in force without change.

#### 1016..ARTICLE IV.

The emigrant from the one state, who, according to the first article, is to be held as a citizen of the other state, shall not on his return to his original country be constrained to resume his former citizenship; yet if

he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such a renunciation is allowed, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

#### 1017..ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall remain in force until the end of twelve months after either of the contracting parties shall have given notice of such intention.

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### BAVARIA.

*Convention concluded May 26, 1868.*

#### 1018..ARTICLE I.

Citizens of Bavaria who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States for five years, shall be held by Bavaria to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have become, or shall become, naturalized citizens of Bavaria, and shall have resided uninterruptedly within Bavaria five years, shall be held by the United States to be Bavarian citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

#### 1019 ..ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

#### 1020..ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Bavaria on the other part, the twelfth day of September, one thousand eight hundred and fifty-three, remains in force without change.

## 1021..ARTICLE IV.

If a Bavarian, naturalized in America, renews his residence in Bavaria, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Bavaria, renews his residence in the United States, without the intent to return to Bavaria, he shall be held to have renounced his naturalization in Bavaria. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

## 1022..ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratification, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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## 1023..PROTOCOL.

*Done at Munich, the 26th May, 1868.*

The undersigned met to-day to sign the treaty agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from Bavaria to the United States of America, and from the United States of America to Bavaria; on which occasion the following observations, more exactly defining and explaining the contents of this treaty, were entered in the following protocol:

## 1024..I. RELATING TO THE FIRST ARTICLE OF THE TREATY.

1. Inasmuch as the copulative "and" is made use of, it follows, of course, that not the naturalization alone, but an additional five years' uninterrupted residence is required, before a person can be regarded as coming within the treaty; but it is by no means requisite that the five years' residence should take place after the naturalization. It is hereby further understood that if a Bavarian has been discharged from his Bavarian indigene, or, on the other side, if an American has been discharged from his American citizenship in the manuer legally prescribed by the government of his original country, and then acquires naturalization in the other country in a rightful and perfectly valid manner, then an additional five years' residence shall no longer be required, but a person so naturalized shall, from the moment of his naturalization, be held and treated as a Bavarian, and, reciprocally, as an American citizen.

2. The words "resided uninterruptedly" are obviously to be understood, not of a continued bodily presence, but in the legal sense; and therefore a transient absence, a journey, or the like, by no means interrupts the period of five years contemplated by the first article.

#### 1025..II. RELATING TO THE SECOND ARTICLE OF THE TREATY.

1. It is expressly agreed that a person who, under the first article, is to be held as an adopted citizen of the other state, on his return to his original country cannot be made punishable for the act of emigration itself, not even though at a later day he should have lost his adopted citizenship.

#### 1026..III. RELATING TO THE FOURTH ARTICLE OF THE TREATY.

1. It is agreed on both sides that the regulative powers granted to the two governments, respectively, by their laws for protection against resident aliens, whose residence endangers peace and order in the land, are not affected by the treaty. In particular the regulation contained in the second clause of the tenth article of the Bavarian military law of the 30th of January, 1868, according to which Bavarians emigrating from Bavaria before the fulfillment of their military duty cannot be admitted to a permanent residence in the land till they shall have become 32 years old, is not affected by the treaty. But yet it is established and agreed that, by the expression "permanent residence" used in the said article, the above-described emigrants are not forbidden to undertake a journey to Bavaria for a less period of time and for definite purposes, and the royal Bavarian Government moreover cheerfully declares itself ready, in all cases in which the emigration has plainly taken place in good faith, to allow a mild rule in practice to be adopted.

2. It is hereby agreed that when a Bavarian naturalized in America, and, reciprocally, an American naturalized in Bavaria, takes up his abode once more in his original country without the intention of return to the country of his adoption, he does by no means thereby recover his former citizenship; on the contrary, in so far as it relates to Bavaria, it depends on His Majesty the King, whether he will or will not in that event grant the Bavarian citizenship anew.

The article fourth shall accordingly have only this meaning, that the adopted country of the emigrant cannot prevent him from acquiring once more his former citizenship; but not that the state to which the emigrant originally belonged is bound to restore him at once to his original relation.

On the contrary, the citizen naturalized abroad must first apply to be received back into his original country in the manner prescribed by its laws and regulations, and must acquire citizenship anew, exactly like any other alien.

But yet it is left to his own free choice, whether he will adopt that course or will preserve the citizenship of the country of his adoption.

The two Plenipotentiaries give each other mutually the assurance that their respective governments in ratifying this treaty will also regard as

approved and will maintain the agreements and explanations contained in the present protocol, without any further formal ratification of the same.

[SEAL.]  
[SEAL.]

GEORGE BANCROFT.  
DR. OTTO FHR. VON VÖLDERNDORFF.

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**BELGIUM.**

*Convention concluded November 16, 1868.*

**1027..ARTICLE I.**

Citizens of the United States who may or shall have been naturalized in Belgium will be considered by the United States as citizens of Belgium. Reciprocally, Belgians who may or who shall have been naturalized in the United States will be considered by Belgium as citizens of the United States.

**1028..ARTICLE II.**

Citizens of either contracting party, in case of their return to their original country, can be prosecuted there for crimes or misdemeanors committed before naturalization, saving to them such limitations as are established by the laws of their original country.

**1029..ARTICLE III.**

Naturalized citizens of either contracting party, who shall have resided five years in the country which has naturalized them, cannot be held to the obligation of military service in their original country, or to incidental obligation resulting therefrom, in the event of their return to it, except in cases of desertion from organized and embodied military or naval service, or those that may be assimilated thereto by the laws of that country.

**1030..ARTICLE IV.**

Citizens of the United States naturalized in Belgium shall be considered by Belgium as citizens of the United States when they shall have recovered their character as citizens of the United States, according to the laws of the United States. Reciprocally, Belgians naturalized in the United States shall be considered as Belgians by the United States when they shall have recovered their character as Belgians according to the laws of Belgium.

**1031..ARTICLE V.**

The present convention shall enter into execution immediately after the exchange of ratifications, and shall remain in force for ten years. If,

at the expiration of that period, neither of the contracting parties shall have given notice six months in advance of its intention to terminate the same, it shall continue in force until the end of twelve months after one of the contracting parties shall have given notice to the other of such intention.

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### DENMARK.

*Convention concluded July 20, 1872.*

#### 1032..ARTICLE I.

Citizens of the United States of America who have become, or shall become, and are naturalized, according to law, within the Kingdom of Denmark, as Danish subjects shall be held by the United States of America to be in all respects and for all purposes Danish subjects, and shall be treated as such by the United States of America.

In like manner Danish subjects who have become, or shall become, and are naturalized, according to law, within the United States of America as citizens thereof, shall be held by the Kingdom of Denmark to be in all respects and for all purposes as citizens of the United States of America, and shall be treated as such by the Kingdom of Denmark.

#### 1033..ARTICLE II.

If any such citizen of the United States, as aforesaid, naturalized within the Kingdom of Denmark as a Danish subject, should renew his residence in the United States, the United States Government may, on his application, and on such conditions as that Government may see fit to impose, readmit him to the character and privileges of a citizen of the United States, and the Danish Government shall not, in that case, claim him as a Danish subject on account of his former naturalization.

In like manner, if any such Danish subject, as aforesaid, naturalized within the United States as a citizen thereof, should renew his residence within the Kingdom of Denmark, His Majesty's Government may, on his application, and on such conditions as that government may think fit to impose, readmit him to the character and privileges of a Danish subject, and the United States Government shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

#### 1034..ARTICLE III.

If, however, a citizen of the United States naturalized in Denmark shall renew his residence in the former country without the intent to return to that in which he was naturalized, he shall be held to have renounced his naturalization.

In like manner, if a Dane naturalized in the United States shall renew his residence in Denmark without the intent to return to the former country, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist when a person naturalized in the one country shall reside more than two years in the other country.

#### 1035..ARTICLE IV.

The present convention shall go into effect immediately on or after the exchange of the ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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#### ECUADOR.

*Treaty concluded May 6, 1872.*

#### 1036..ARTICLE I.

Each of the two republics shall recognize as naturalized citizens of the other those persons who shall have been therein duly naturalized, after having resided uninterruptedly in their adopted country as long as may be required by its constitution or laws.

This article shall apply as well to those already naturalized in the countries of either of the contracting parties as to those who may be hereafter naturalized.

#### 1037..ARTICLE II.

If a naturalized citizen of either country shall renew his residence in that where he was born, without an intention of returning to that where he was naturalized, he shall be held to have reassumed the obligations of his original citizenship, and to have renounced that which he had obtained by naturalization.

#### 1038..ARTICLE III.

A residence of more than two years in the native country of a naturalized citizen shall be construed as an intention on his part to stay there without returning to that where he was naturalized. This presumption, however, may be rebutted by evidence to the contrary.

## 1039..ARTICLE IV.

Naturalized citizens of either country, on returning to that where they were born, shall be subject to trial and punishment according to the laws, for offenses committed before their emigration, saving always the limitations established by law.

## 1040..ARTICLE V.

A declaration of intention to become a citizen shall not have the effect of naturalization.

## 1041..ARTICLE VI.

The present convention shall go into effect immediately on the exchange of ratifications, and it shall remain in full force for ten years. If neither of the contracting parties shall give notice to the other six months previously of its intention to terminate the same, it shall further remain in force until twelve months after either of the contracting parties shall have given notice to the other of such intention.

## 1042..ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Ecuador, with the approval of the Congress of that Republic, and the ratifications shall be exchanged at Washington within eighteen months from the date hereof.

In faith whereof the plenipotentiaries have signed and sealed this convention at the city of Washington this sixth day of May, in the year of our Lord one thousand eight hundred and seventy-two.

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**GREAT BRITAIN.**

*Convention concluded May 13, 1870.*

## 1043..ARTICLE I.

Citizens of the United States of America who have become, or shall become, and are, naturalized, according to law, within the British dominions as British subjects, shall, subject to the provisions of Article II, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

Reciprocally, British subjects who have become, or shall become, and are, naturalized, according to law, within the United States of America as citizens thereof, shall, subject to the provisions of Article II, be held



by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

#### 1044..ARTICLE II.

Such citizens of the United States as aforesaid, who have become and are naturalized within the dominions of Her Britannic Majesty as subjects, shall be at liberty to renounce their naturalization and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratification of the present convention.

Such British subjects as aforesaid, who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the 12th day of May, 1870.

The manner in which this renunciation may be made and publicly declared shall be agreed upon by the governments of the respective countries.

#### 1045..ARTICLE III.

If any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States Government may, on his own application, and on such conditions as that government may think fit to impose, readmit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

In the same manner, if any such British subject as aforesaid, naturalized in the United States, should renew his residence within the dominions of Her Britannic Majesty, Her Majesty's government may, on his own application, and on such conditions as that government may think fit to impose, readmit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

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#### HESSE DARMSTADT.

*Convention concluded August 1, 1868.*

#### 1046..ARTICLE I.

Citizens of the parts of the Grand Duchy of Hesse not included in the North German Confederation who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the

Grand Ducal Hessian Government to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who have become, or shall become, naturalized citizens of the above-described parts of the Grand Duchy of Hesse, and shall have resided uninterruptedly therein five years, shall be held by the United States to be citizens of the Grand Duchy of Hesse, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

#### 1047..ARTICLE II.

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, saving always the limitation established by the laws of his original country.

#### 1048..ARTICLE III.

The Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States of America and the Grand Duchy of Hesse on the 16th of June, 1852, remains in force without change.

#### 1049..ARTICLE IV.

If a Hessian, naturalized in America, but originally a citizen of the parts of the Grand Duchy not included in the North German Confederation, renews his residence in those parts without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Reciprocally, if an American, naturalized in the Grand Duchy of Hesse (within the above-described parts), renews his residence in the United States without the intent to return to Hesse, he shall be held to have renounced his naturalization in the Grand Duchy.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

#### 1050..ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

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**MEXICO.***Convention concluded July 10, 1868.***1051..ARTICLE I.**

Those citizens of the United States who have been made citizens of the Mexican Republic by naturalization, and have resided without interruption in Mexican territory five years, shall be held by the United States as citizens of the Mexican Republic, and shall be treated as such. Reciprocally, citizens of the Mexican Republic who have become citizens of the United States, and who have resided uninterruptedly in the territory of the United States for five years, shall be held by the Republic of Mexico as citizens of the United States, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization. This article shall apply as well to those already naturalized in either of the countries contracting as to those hereafter naturalized.

**1052..ARTICLE II.**

Naturalized citizens of either of the contracting parties, on return to the territory of the other, remain liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitations established by his original country.

**1053..ARTICLE III.**

The convention for the surrender in certain cases of criminals, fugitives from justice, concluded between the United States of America of the one part, and the Mexican Republic on the other part, on the eleventh day of December, one thousand eight hundred and sixty-one, shall remain in full force without any alteration.

**1054..ARTICLE IV**

If a citizen of the United States naturalized in Mexico renews his residence in the United States without the intent to return to Mexico, he shall be held to have renounced his naturalization in Mexico. Reciprocally, if a Mexican naturalized in the United States renews his residence in Mexico without the intent to return to the United States, he shall be held to have renounced his naturalization in the United States.

The intent not to return may be held to exist when the person naturalized in the one country resides in the other country more than two years, but this presumption may be rebutted by evidence to the contrary.

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**NORTH GERMAN UNION.**

*Convention concluded February 22, 1868.*

**1055..ARTICLE I.**

Citizens of the North German Confederation who become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who become naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, and shall be treated as such. The declaration of an intention to become a citizen of one or the other country has not for either party the effect of naturalization.

**1056..ARTICLE II.**

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitation established by the laws of his original country.

**1057..ARTICLE III.**

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Prussia and other States of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two, is hereby extended to all the States of the North German Confederation.

**1058..ARTICLE IV.**

If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

**1059..ARTICLE V.**

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party

shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

\* \* \* \* \*

### SWEDEN AND NORWAY.

*Convention and Protocol signed May 26, 1869.*

#### 1060..ARTICLE I.

Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years, and during such residence have become and are lawfully recognized as citizens of Sweden or Norway, shall be held by the Government of the United States to be Swedish or Norwegian citizens, and shall be treated as such.

Reciprocally, citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Sweden and Norway to be American citizens, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

#### 1061..ARTICLE II.

A recognized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

#### 1062..ARTICLE III.

If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country, and applies to be restored to his former citizenship, the government of the last-named country is authorized to receive him again as a citizen, on such conditions as the said government may think proper.

#### 1063..ARTICLE IV.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one

part and Sweden and Norway on the other part, the 21st March, 1860, remains in force without change.

#### 1064..ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

#### 1065..ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Sweden and Norway; and the ratifications shall be exchanged at Stockholm within twenty-four months from the date hereof.

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#### 1066..PROTOCOL.

*Done at Stockholm, May 26, 1869.*

The undersigned met to-day to sign the convention agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from the United States of America to Sweden and Norway, and from Sweden and Norway to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this convention, were entered in the following protocol:

#### 1067..I. RELATING TO THE FIRST ARTICLE OF THE CONVENTION.

It is understood that if a citizen of the United States of America has been discharged from his American citizenship, or, on the other side, if a Swede or a Norwegian has been discharged from his Swedish or Norwegian citizenship, in the manner legally prescribed by the government of his original country, and then in the other country in a rightful and perfectly valid manner acquires citizenship, then an additional five years' residence shall no longer be required; but a person who has in that manner been recognized as a citizen of the other country shall, from the moment thereof, be held and treated as a Swedish or Norwegian citizen, and, reciprocally, as a citizen of the United States.

#### 1068..II. RELATING TO THE SECOND ARTICLE OF THE CONVENTION.

If a former Swede or Norwegian, who under the first article is to be held as an adopted citizen of the United States of America, has emigrated

after he has attained the age when he becomes liable to military service, and returns again to his original country, it is agreed that he remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the act of emigration itself, unless thereby have been committed any punishable action against Sweden or Norway, or against a Swedish or Norwegian citizen, such as non-fulfillment of military service, or desertion from the military force or from a ship, saving always the limitation established by the laws of the original country, and any other remission of liability to punishment; and that he can be held to fulfill, according to the laws, his military service, or the remaining part thereof.

**1069..III. RELATING TO THE THIRD ARTICLE OF THE CONVENTION.**

It is further agreed that if a Swede or Norwegian, who has become a naturalized citizen of the United States, renews his residence in Sweden or Norway without the intent to return to America, he shall be held by the Government of the United States to have renounced his American citizenship.

The intent not to return to America may be held to exist when the person so naturalized resides more than two years in Sweden or Norway.

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**WÜRTTEMBERG**

*Convention concluded July 27, 1868.*

**1070..ARTICLE I.**

Citizens of Württemberg who have become, or shall become, naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by Württemberg to be American citizens and treated as such. Reciprocally, citizens of the United States of America who have become, or shall become, naturalized citizens of Württemberg and shall have resided uninterruptedly within Württemberg five years, shall be held by the United States to be citizens of Württemberg, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not, for either party, the effect of naturalization.

**1071..ARTICLE II.**

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

**1072..ARTICLE III.**

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between Württemberg and the United States the 16th June, 1852 [13th October, 1853], remains in force without change.

**1073..ARTICLE IV.**

If a Württemberger, naturalized in America, renews his residence in Württemberg without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American, naturalized in Württemberg, renews his residence in the United States without the intent to return to Württemberg, he shall be held to have renounced his naturalization in Württemberg. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

**1074..ARTICLE V.**

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention.

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APPENDIX No. III.

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EXTRACTS FROM THE SECOND EDITION OF THE  
"REVISED STATUTES OF THE UNITED STATES,"  
TOGETHER WITH OTHER ACTS OF CONGRESS RE-  
LATING TO THE CONSULAR SERVICE.

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[The portions of the Statutes repealed are printed in italics and included in brackets and the new matter introduced is printed in the ordinary roman letter and also included in brackets.]

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**TITLE XVIII.**

**DIPLOMATIC AND CONSULAR OFFICERS.**

CHAPTER I.

**Diplomatic Officers.**

**1075**..SEC. 1674. The official designations employed throughout this title shall be deemed to have the following meanings, respectively:

First. "Consul-General," "Consul," and "Commercial Agent" shall be deemed to denote full, principal, and permanent Consular Officers, as distinguished from subordinates and substitutes.

Second. "Deputy Consul" and "Consular Agent" shall be deemed to denote Consular Officers subordinate to such principals, exercising the powers and performing the duties within the limits of their Consulates or Commercial Agencies, respectively, the former at the same ports or places, and the latter at ports or places different from those at which such principals are located, respectively.

Third. "Vice-Consuls" and "Vice-Commercial Agents" shall be deemed to denote Consular Officers, who shall be substituted, temporarily, to fill the places of Consuls-General, Consuls, or Commercial Agents, when they shall be temporarily absent or relieved from duty.

Fourth. "Consular Officer" shall be deemed to include Consuls-General, Consuls, Commercial Agents, Deputy Consuls, Vice-Consuls, Vice-Commercial Agents, and Consular Agents, and none others.

Fifth. "Diplomatic Officer" shall be deemed to include Ambassadors, Envoys Extraordinary, Ministers Plenipotentiary, Ministers Resident, Commissioners, Chargés d'Affaires, Agents, and Secretaries of Legation, and none others.

**1076.**—SEC. 1675. [*Ambassadors, Envoys Extraordinary, and Ministers Plenipotentiary, Ministers Resident, Agents, and Secretaries, and Second Secretaries of Legation, shall be entitled to salaries as hereinafter provided.*

*Envoys Extraordinary and Ministers Plenipotentiary to France, Germany, Great Britain, and Russia, seventeen thousand five hundred dollars each; to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, twelve thousand dollars each; to Chili and Peru, ten thousand dollars each.*

*Minister Resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, ten thousand dollars.*

*Minister Resident at Uruguay, ten thousand dollars.*

*Ministers Resident at Portugal, Switzerland, Greece, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Ecuador, Colombia, Bolivia, Venezuela, Hawaiian Islands, and the Argentine Republic, seven thousand five hundred dollars each.*

*Minister Resident and Consul-General at Hayti, seven thousand five hundred dollars.*

*Minister Resident and Consul-General at Liberia, four thousand dollars.*

*Agent and Consul-General at Alexandria, three thousand five hundred dollars.*

*Secretaries of Legation to London, Paris, Berlin, and St. Petersburg, two thousand six hundred and twenty-five dollars each.*

*Secretary of Legation to Japan, two thousand five hundred dollars.*

*Secretaries of Legation to Austria, Brazil, Italy, Mexico, and Spain, one thousand eight hundred dollars each.*

*The Second Secretaries of the Legations to France, Great Britain, and Germany, two thousand dollars each.*]

[*Ambassadors and Envoys Extraordinary and Ministers Plenipotentiary shall be entitled to compensation at the rates following, per annum, namely:*

*Those to France, Germany, Great Britain, and Russia, each, seventeen thousand five hundred dollars.*

*Those to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, each, twelve thousand dollars.*

*Those to all other countries, unless where a different compensation is prescribed by law, each, ten thousand dollars.*

*And, unless when otherwise provided by law, Ministers Resident and Commissioners shall be entitled to compensation at the rate of seventy-five per centum, Chargés d'Affaires at rate of fifty per centum, and Secretaries of Legation at the rate of fifteen per centum, of the amounts allowed to Ambassadors, Envoys Extraordinary, and Ministers Plenipotentiary to the said countries respectively; except that the Secretary of Legation to Japan shall be entitled to compensation at the rate of twenty-five hundred dollars per annum.*

*The Second Secretaries of the Legations to France, Germany, and Great Britain shall be entitled to compensation at the rate of two thousand dollars each per annum.*]

**1077.**—SEC. 1676. [*A Commissioner appointed to any of the countries mentioned in the preceding section shall be entitled to receive seventy-five per centum of the salary therein provided for the Envoy Extraordinary and Minister Plenipotentiary or the Minister Resident to such country; and a Chargé d'Affaires so appointed shall be entitled to receive fifty per centum of such salary.*] [The

Agent and Consul-General at Cairo shall be entitled to compensation at the rate of three thousand five hundred dollars per annum.]

**1078.** .SEC. 1677. The Consul-General at Constantinople shall be the Secretary of the Legation to Turkey, but shall receive compensation only as Consul-General.

**1079.** .SEC. 1678. The Interpreter to the Legation to Turkey shall be entitled to receive three thousand dollars, and such salary may be paid to an interpreter, notwithstanding he may not be a citizen of the United States.

**1080.** .SEC. 1679. The Interpreter to the legation to Japan shall receive a salary of two thousand five hundred dollars.

**1081.** .SEC. 1680. The compensation of the Secretary of the Legation to China, if acting as Interpreter, shall be at the rate of five thousand dollars a year, and if not acting as such, at the rate of three thousand dollars a year. And the President may appoint for the Legation to China an Interpreter, when the Secretary of Legation does not act as such, who shall be entitled to compensation at the rate of five thousand dollars a year.

**1082.** .SEC. 1681. [*The Minister at Uruguay is also accredited to Paraguay.*] [The Minister Resident to Uruguay, when also accredited to Paraguay, shall be entitled to compensation at the rate of ten thousand dollars per annum.]

**1083.** .SEC. 1682. There shall be but one Minister Resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua; and the President may select the place of residence for the minister in any one of those States. [And he shall receive compensation at the rate of ten thousand dollars per annum.]

**1084.** .SEC. 1683. There shall be a Diplomatic Representative of the United States to each of the republics of Hayti and Liberia, who shall be appointed by the President, by and with the advice and consent of the Senate; and shall be accredited as Minister Resident and Consul-General. The representative at Hayti shall be entitled to a salary of seven thousand five hundred dollars a year; and the representative at Liberia to a salary not exceeding four thousand dollars a year.

**1085.** .SEC. 1684. To entitle any Chargé d'Affaires, or Secretary of any Legation or Embassy to any foreign country, or Secretary of any Minister Plenipotentiary, to compensation, they shall respectively be appointed by the President, by and with the advice and consent of the Senate; but in the recess of the Senate the President is authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter, for their advice and consent; and no compensation shall be allowed to any Chargé d'Affaires, or any of the Secretaries hereinbefore described, who shall not be so appointed.

**1086.** .SEC. 1685. For such time as any Secretary of Legation shall be lawfully authorized to act as Chargé d'Affaires *ad interim* at the post to which he shall have been appointed, he shall be entitled to receive compensation at the rate allowed by law for a Chargé d'Affaires at such post; but he shall not be entitled to receive, for such time, the compensation allowed for his services as Secretary of Legation.

**1087.** .SEC. 1686. When to any Diplomatic office held by any person there is superadded another, such person shall be allowed additional

compensation for his services, in such superadded office, at the rate of fifty per centum of the amount allowed by law for such superadded office, and for such time as shall be actually and necessarily occupied in making the transit between the two posts of duty, at the commencement and termination of the period of such superadded office, and no longer; and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof.

**1088.** SEC. 1687. All fees collected at any of the legations shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions.

**1089.** SEC. 1688. No person in the Diplomatic service of the United States shall wear any uniform or official costume not previously authorized by Congress.

## CHAPTER II.

### Consular Officers.

**1090.** SEC. 1689. The various provisions of this Title which are expressed in terms of general application to any particular classes of Consular Officers, shall be deemed to apply as well to all other classes of such officers, so far as may be consistent with the subject-matter of the same, and with the treaties of the United States.

**1091.** SEC. 1690. Consuls-General, Consuls, and commercial agents appointed to the ports and places specified in Schedules B and C, are entitled to annual salaries respectively, at the rates specified therein. And whenever the President thinks proper to appoint a Consul to any port or place named in the Schedules B and C for a commercial agency instead of such commercial agent, or *vice versa*, and an appointment is made accordingly, the compensation for such Consular Officer shall be the same in any such case as that fixed for such port or place in the schedule embracing the same; or whenever the President thinks the public interests will be subserved by appointing to any such port or place a Consul-General instead of a Consul or Commercial Agent, and an appointment is made accordingly, the compensation for such Consul-General shall be the same as that fixed for such port or place in the schedule embracing the same.

### SCHEDULE B.

#### I.—*Consul-General.*

#### GREAT BRITAIN.

London, seven thousand five hundred dollars.

#### BRITISH NORTH AMERICA.

Montreal, four thousand dollars.

## BRITISH INDIA.

Calcutta, five thousand dollars.

## FRANCE.

Paris, five thousand dollars.

## CUBA.

Havana, six thousand dollars.

## MEXICO.

Mexico, one thousand dollars.

Tampico, one thousand five hundred dollars.

## NORTH GERMAN UNION.

Frankfort-on-the-Main, three thousand dollars.

## ITALY.

Rome, one thousand five hundred dollars.

## TURKISH DOMINIONS.

Constantinople, three thousand dollars.

Beirût, two thousand dollars.

## CHINA.

Shanghai, four thousand dollars.

II.—*Consuls.*

## GREAT BRITAIN.

Liverpool, seven thousand five hundred dollars.

Leeds, two thousand dollars.

Manchester, three thousand dollars.

Southampton, two thousand dollars.

Newcastle-upon-Tyne, one thousand five hundred dollars.

Birmingham, two thousand five hundred dollars.

Tunstall, one thousand five hundred dollars.

Glasgow, three thousand dollars.

Dundee, two thousand dollars.  
 Belfast, two thousand dollars.  
 Cork, two thousand dollars.  
 Hong-Kong, three thousand five hundred dollars.  
 Singapore, two thousand five hundred dollars.  
 Mauritius, two thousand five hundred dollars.  
 Melbourne, four thousand dollars.  
 Gibraltar, one thousand five hundred dollars.  
 Malta, one thousand five hundred dollars.  
 Saint Helena, one thousand five hundred dollars.  
 Clifton, one thousand five hundred dollars.  
 Fort Erie, one thousand five hundred dollars.  
 Goderich, one thousand five hundred dollars.  
 Kingston (Canada), one thousand five hundred dollars.  
 Prescott, one thousand five hundred dollars.  
 Port Sarnia, one thousand five hundred dollars.  
 Toronto, one thousand five hundred dollars.  
 Windsor (Ontario), one thousand five hundred dollars.  
 Coaticook, one thousand five hundred dollars.  
 Quebec, one thousand five hundred dollars.  
 Halifax, two thousand dollars.  
 St. John's (Quebec), one thousand five hundred dollars.  
 Pictou (N. S.), one thousand five hundred dollars.  
 Prince Edward's Island, one thousand five hundred dollars  
 Winnipeg, one thousand five hundred dollars.  
 Kingston (Jamaica), two thousand dollars.  
 Nassau (West Indies), two thousand dollars.  
 Turk's Island, two thousand dollars.  
 Demerara, two thousand dollars.  
 Mahé (Seychelles), one thousand five hundred dollars.

## RUSSIA.

Odessa, two thousand dollars.  
 Revel, two thousand dollars.  
 St. Petersburg, two thousand dollars.  
 Moscow, two thousand dollars.

## FRENCH DOMINIONS.

Havre, six thousand dollars.  
 Marseilles, two thousand five hundred dollars.  
 Bordeaux, two thousand dollars.  
 Lyons, two thousand dollars.  
 La Rochelle, one thousand five hundred dollars.  
 Nantes, one thousand five hundred dollars.  
 Boulogne, one thousand five hundred dollars.  
 Nice, one thousand five hundred dollars.  
 Algiers, one thousand five hundred dollars.



## SPANISH DOMINIONS.

Cadiz, one thousand five hundred dollars.  
 Malaga, one thousand five hundred dollars.  
 Barcelona, one thousand five hundred dollars.  
 Port Mahon, one thousand five hundred dollars.  
 Valencia, one thousand five hundred dollars.  
 Matanzas, two thousand five hundred dollars.  
 Trinidad de Cuba, two thousand five hundred dollars.  
 Santiago de Cuba, two thousand five hundred dollars.  
 San Juan (Porto Rico), two thousand dollars.  
 Ponce (Porto Rico), one thousand five hundred dollars.

## PORTUGUESE DOMINIONS.

Lisbon, one thousand five hundred dollars.  
 Oporto, one thousand five hundred dollars.  
 Funchal, one thousand five hundred dollars.

## BELGIUM.

Antwerp, two thousand five hundred dollars.

## DOMINIONS OF THE NETHERLANDS.

Amsterdam, one thousand dollars.  
 Rotterdam, two thousand dollars.

## DANISH DOMINIONS.

Santa Cruz, one thousand five hundred dollars.  
 Saint Thomas, four thousand dollars.  
 Elsinore, one thousand five hundred dollars.

## NORTH GERMAN UNION.

Aix-la-Chapelle, two thousand five hundred dollars.  
 Chemnitz, two thousand dollars.  
 Leipsic, one thousand five hundred dollars.  
 Munich, one thousand five hundred dollars.  
 Stuttgardt, one thousand dollars.  
 Bremen, three thousand dollars.  
 Hamburg, two thousand dollars.  
 Barmen, one thousand five hundred dollars.

## AUSTRIA.

Vienna, five thousand dollars.  
 Trieste, two thousand dollars.

## SWITZERLAND.

Basle, two thousand dollars.  
Geneva, one thousand five hundred dollars.  
Zurich, one thousand five hundred dollars.

## ITALY.

Genoa, one thousand five hundred dollars.  
Spezzia, one thousand five hundred dollars.  
Leghorn, one thousand five hundred dollars.  
Brindisi, one thousand five hundred dollars.  
Naples, one thousand five hundred dollars.  
Palermo, one thousand five hundred dollars.  
Messina, one thousand five hundred dollars.  
Rome, one thousand five hundred dollars.

## TURKISH DOMINIONS.

Smyrna, two thousand dollars.  
Jerusalem, one thousand five hundred dollars.  
Port Said, two thousand dollars.

## BARBARY STATES.

Tripoli, three thousand dollars.  
Tunis, three thousand dollars.  
Tangier, three thousand dollars.

## SIAM.

Bangkok, three thousand dollars.

## JAPAN.

Kanagawa, three thousand dollars.  
Nagasaki, three thousand dollars.  
Hakodadi, two thousand five hundred dollars.  
Osaka and Hioga, three thousand dollars.

## CHINA.

Canton, four thousand dollars.  
Foo-Chow, three thousand five hundred dollars.  
Amoy, three thousand dollars.  
Ningpo, three thousand dollars.

Hankow, three thousand dollars.  
Chin Kiang, three thousand dollars.  
Swatow, three thousand five hundred dollars.  
Tien-Tsin, three thousand five hundred dollars.

## HAWAIIAN ISLANDS.

Honolulu, four thousand dollars.  
Lahaina, three thousand dollars.

## MEXICO.

Vera Cruz, three thousand five hundred dollars.  
Acapulco, two thousand dollars.  
Matamoros, two thousand dollars.

## UNITED STATES OF COLOMBIA.

Panama, three thousand five hundred dollars.  
Aspinwall, two thousand five hundred dollars.

## VENEZUELA.

Laguayra, one thousand five hundred dollars.

## BRAZIL.

Pernambuco, two thousand dollars.  
Rio de Janeiro, six thousand dollars.

## ARGENTINE REPUBLIC.

Buenos Ayres, two thousand five hundred dollars.

## CHILI.

Valparaiso, three thousand dollars.

## PERU.

Callao, three thousand five hundred dollars.

## NICARAGUA.

San Juan del Sur, two thousand dollars.

III.—*Commercial Agents.*

## NICARAGUA.

San Juan del Norte, two thousand dollars.

## MADAGASCAR.

Tamatave, two thousand dollars.

## SAN DOMINGO.

San Domingo, one thousand five hundred dollars.

## SCHEDULE C.

I.—*Consuls.*

## GREAT BRITAIN.

Bay of Islands, one thousand dollars.

Cape Town, one thousand dollars.

Ceylon, one thousand dollars.

Falkland Islands, one thousand dollars.

Windsor (Nova Scotia), one thousand dollars.

## PORTUGUESE DOMINIONS.

Fayal, seven hundred and fifty dollars.

Santiago (Cape Verde), seven hundred and fifty dollars.

## DOMINIONS OF THE NETHERLANDS.

Batavia, one thousand dollars.

## NORTH GERMAN UNION.

Stettin, one thousand dollars.

## GREECE.

Athens, one thousand dollars.

Piræus, one thousand dollars.

## ITALY.

Venice, seven hundred and fifty dollars.

## TURKISH DOMINIONS.

Candia, one thousand dollars.

Cyprus, one thousand dollars.

## MUSCAT.

Zanzibar, one thousand dollars.

## MEXICO.

Tampico, one thousand dollars.

Paso del Norte, five hundred dollars.

Tabasco, five hundred dollars.

Guaymas, one thousand dollars.

## UNITED STATES OF COLOMBIA.

Carthagená, five hundred dollars.

## BRAZIL.

Bahia, one thousand dollars.

Maranhão, one thousand dollars.

Para, one thousand dollars.

Rio Grande, one thousand dollars.

Santarem, one thousand dollars.

St. Catherine, one thousand five hundred dollars.

## PERU.

Payta, five hundred dollars.

Tumbez, five hundred dollars.

## BOLIVIA.

Cobija, five hundred dollars.

## ECUADOR.

Guayaquil, seven hundred and fifty dollars.

## CHILI.

Talcahuano, one thousand dollars.

## HONDURAS.

Omoa, one thousand dollars.

## HAÏTI.

Aux Cayes, five hundred dollars.  
Cape Haytien, one thousand dollar.

## URUGUAY.

Montevideo, one thousand dollars.

## SOCIETY ISLANDS.

Tahiti, one thousand dollars.

II.—*Commercial Agents.*

## RUSSIA.

Amoor River, one thousand dollars.

## FRENCH DOMINIONS.

Gaboon, one thousand dollars.

## PORTUGUESE DOMINIONS.

Saint Paul de Loando, one thousand dollars.

## FEJEE ISLANDS.

Lanthala, one thousand dollars.

## NAVIGATORS' ISLANDS.

Apia, one thousand dollars.

## UNITED STATES OF COLOMBIA.

Sabanilla, five hundred dollars.

1092..SEC. 1691. No Consul-General or Consul shall be permitted to hold the office of Consul-General or Consul at any other Consulate, or exercise the duties thereof.

1093..SEC. 1692. The President is authorized to appoint three Interpreters of the Chinese language, who shall be entitled to compensation for their services, respectively, at a rate not to exceed fifteen hundred dollars a year, to be determined by the President, and to assign such Interpreters, from time to time, to such Consulates in China and with such duties as he may think proper.

1094..SEC. 1693. The salary of the Interpreter at the Consulate of Bangkok, in Siam, shall not exceed the sum of five hundred dollars a year; and no salary shall be allowed the marshal at that Consulate.

**1095**..SEC. 1694. The President is authorized, whenever in his judgment the public interest may so require, to discontinue the consulate of the United States at Trinidad de Cuba, and to appoint at Cienfuegos, in that Island, a Consul with the same salary and emoluments as those now allowed by law to the Consul at Trinidad de Cuba.

**1096**..SEC. 1695. The President is authorized to define the extent of country to be embraced within any Consulate or Commercial Agency, and to provide for the appointment of Vice-Consuls, Vice-Commercial Agents, Deputy-Consuls, and Consular Agents therein, in such manner and under such regulations as he shall deem proper; but no compensation shall be allowed for the services of any such Vice-Consul, or Vice-Commercial Agent, beyond nor except out of the allowance made by law for the principal Consular Officer in whose place such appointment shall be made. No Vice-Consul, Vice-Commercial Agent, Deputy Consul, or Consular Agent, shall be appointed otherwise than under such regulations as have been or may be prescribed by the President.

**1097**..SEC. 1696. The only allowance to any Vice-Consulate or Consular Agency for expenses shall be an amount sufficient to pay for stationery and postage on official letters.

**1098**..SEC. 1697. Every Consul-General, Consul, and Commercial Agent, before he receives his commission or enters upon the duties of his office, shall give a bond to the United States, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than one thousand dollars, and in no case less than the annual compensation allowed to such officer, and not more than ten thousand dollars, and in such form as the President shall prescribe, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands, or to the hands of any other person to his use as such Consul-General, Consul, or Commercial Agent, under any law now or hereafter enacted; and for the true and faithful performance of all other duties, now or hereafter lawfully imposed upon him as such Consul-General, Consul, or Commercial Agent. The bonds herein mentioned shall be deposited with the Secretary of the Treasury.

**1099**..SEC. 1698. Every Vice-Consul shall, before he enters on the execution of his trust, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and for truly accounting for all moneys, goods, and effects which may come into his possession by virtue of his office. The bond shall be lodged in the office of the Secretary of the Treasury.

**1100**..SEC. 1699. No Consul-General, Consul, or Commercial Agent, embraced in Schedule B, shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his Consulate or Commercial Agency, directly or indirectly, either in his own name or in the name or through the agency of any other person; and he shall, in his official bond, stipulate, as a condition thereof, not to violate this prohibition.

**1101.** SEC. 1700. All Consular Officers whose respective salaries exceed one thousand dollars a year shall be subject to the prohibition against transacting business contained in the preceding section. And the President may extend the prohibition to any Consul or Commercial Agent not embraced in Schedules B and C, and to any Vice-Consul, Vice-Commercial Agent, Deputy Consul, or Consular Agent, and may require such officer to give a bond not to violate the same.

**1102.** SEC. 1701. Every Consul-General, Consul, or Commercial Agent who violates the prohibition against transacting business, required to be inserted in his official bond, shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him in Schedule B, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such Consul-General, or Consul, or Commercial Agent, or upon his official bond, as liquidated damages, for the breach of such condition against such Consul-General, Consul, or Commercial Agent, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the Treasury of the United States.

**1103.** SEC. 1702. The compensation of Consuls whose annual salaries do not, under existing law, exceed one thousand five hundred dollars, shall, when the fees collected at the Consulates where they are located and paid into the Treasury of the United States amount to three thousand dollars, be two thousand dollars a year.

**1104.** SEC. 1703. Every Vice-Consul and Vice-Commercial Agent shall be entitled, as compensation for his services as such, to the whole or so much of the compensation of the principal Consular Officer in whose place he shall be appointed, as shall be determined by the President, and the residue, if any, shall be paid to such principal Consular Officer; and every Consular Agent shall be entitled, as compensation for his services, to such fees as he may collect under the regulations prescribed by the President governing the subject of fees, or to so much thereof as shall be determined by the President; and the principal officer of the Consulate or Commercial Agency within the limits of which such Consular Agent shall be appointed shall be entitled to the residue, if any, in addition to any other compensation allowed him by law for his services therein.

**1105.** SEC. 1704. The President is authorized, whenever he shall think the public good will be promoted thereby, to appoint consular clerks, not exceeding thirteen in number at any one time, who shall be citizens of the United States, and over eighteen years of age at the time of their appointment, and shall be entitled to compensation for their services, respectively, at a rate not exceeding one thousand dollars a year each, to be determined by the President; and to assign such clerks, from time to time, to such Consulates and with such duties as he shall direct.

**1106.** SEC. 1705. Before the appointment of any such Consular Clerk shall be made, it shall be satisfactorily shown to the Secretary of State, after due examination and report by an examining board, that the applicant is qualified and fit for the duties to which he shall be assigned; and such report shall be laid before the President. And no Clerk so appointed



shall be removed from office, except for cause stated in writing, which shall be submitted to Congress at the session first following such removal.

**1107.** SEC. 1706. The President may allow Consuls-General, Consuls, and Commercial Agents, who are not allowed to trade, actual expenses of office rent, not to exceed, in any case, twenty per centum of the amount of the annual compensation allowed to such Officer, whenever he shall think there is sufficient reason therefor.

**1108.** SEC. 1707. Consuls and Vice-Consuls shall have the right, in the ports or place to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts, duly authenticated by Consuls or Vice-Consuls, under the seal of their Consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States.

**1109.** SEC. 1708. Every Consular Officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and, as nearly as possible, the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of the Treasury.

**1110.** SEC. 1709. It shall be the duty of Consuls and Vice-Consuls, where the laws of the country permit:

First. To take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any vessel, who shall die within their Consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects.

Second. To inventory the same with the assistance of two merchants of the United States, or, for want of them, of any others at their choice.

Third. To collect the debts due the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted.

Fourth. To sell at action, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue.

Fifth. To transmit the balance of the estate to the Treasury of the United States, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.

**1111.** SEC. 1710. For the information of the representative of the deceased, the Consul or Vice-Consul, in the settlement of his estate, shall immediately notify his death in one of the gazettes published in the Consulate, and also to the Secretary of State, that the same may be notified

in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

**1112.** SEC. 1711. When any citizen of the United States dying abroad leaves, by any lawful testamentary disposition, special directions for the custody and management, by the Consular Officer of the port or place where he dies, of the personal property of which he dies possessed in such country, such officer shall, so far as the laws of the country permit, strictly observe such directions. When any such citizen so dying appoints, by any lawful testamentary disposition, any other person than such officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country permit, to protect the property of the deceased from any interference of the local authorities of the country where such citizen dies; and to this end it shall be the duty of such Consular Officer to place his official seal upon all of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person, and not otherwise.

**1113.** SEC. 1712. Consuls and Commercial Agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such character, and in such manner and form, and at such times as the Department may from time to time prescribe.

**1114.** SEC. 1713. Every Consular Officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices-current of all articles of merchandise usually exported to the United States from the port or place in which he is stationed.

**1115.** SEC. 1714. The specification in this Title of certain powers to be exercised and duties to be performed by Consuls and Vice-Consuls, shall not be construed as implying the exclusion of others resulting from the nature of their appointments, or prescribed by any treaty or convention under which they may act.

**1116.** SEC. 1715. No Consular Officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath are true; and he shall, thereupon, by his certificate, state that he was so satisfied.

**1117.** SEC. 1716. The fee provided by law for the verification of invoices by Consular Officers shall, when paid, be held to be a full payment for furnishing blank forms of declaration to be signed by the shipper, and for making, signing, and sealing the certificate of the Consular Officer thereto; and any Consular Officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of such declaration or certificate, charges or receives any fee greater in amount than that provided by law for the verification of invoices, or who demands or receives for any official services, or who allows any clerk or subordinate to receive for any such service, any fee or reward other than the fee provided by law for such service, shall be punishable by imprisonment for not more than one year, or by a fine of not more than two thousand dollars; and shall be removed from his office.

**1118.** SEC. 1717. That no Consular Officer of the United States shall hereafter grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States, which have passed a Consulate after purchase for shipment.

**1119.** SEC. 1718. Whenever any master or commander of a vessel of the United States has occasion for any Consular or other official service, which any Consular Officer of the United States is authorized by law or usage officially to perform, and for which any fees are allowed by the rates of tariffs of fees, he shall apply to the Consular Officer at the Consulate or Commercial Agency where such service is required to perform such service, and shall pay to such officer the fees allowed for such service by the rates or tariffs of fees. And every such master or commander who omits so to do shall be liable to the United States for the amount of the fees lawfully chargeable for such services when actually performed. All Consular Officers are authorized and required to retain in their possession all the papers of such vessels, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels.

**1120.** SEC. 1719. No Consular Officer, nor any person under any Consular Officer, shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any Consulate or Commercial Agency; nor shall any Consular Officer, or any person under any Consular Officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law.

**1121.** SEC. 1720. American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to Consuls for more than four trips in a year.

**1122.** SEC. 1721. The fee for certifying invoices to be charged by the Consul-General for the British North American Provinces, and his subordinate Consular Officers and Agents, for goods not exceeding one hundred dollars in value, shall be one dollar.

**1123.** SEC. 1722. No Consul, Vice-Consul, or Consular Agent in the Dominion of Canada shall be allowed tonnage fees for any services, actual or constructive, rendered any vessel owned and registered in the United States that may touch at a Canadian port; and in the collection of official fees they shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins.

**1124.** SEC. 1723. Whenever any Consular Officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected,

as a penalty, to be recovered with costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may retain out of the compensation of such officer the amount of such overcharge, and of such penalty, and charge the same to such officer in account, and may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

**1125.** .SEC. 1724. Every Consul-General, Consul, or Commercial Agent, mentioned in Schedules B and C, or Vice-Consul or Vice-Commercial Agent appointed to perform the duty of any such officer mentioned in Schedules B and C, who omits to collect any fees which he is entitled to charge for any official service, shall be liable to the United States therefor, as if he had collected the same; unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same.

**1126.** .SEC. 1725. All such Consuls-General, Consuls, Commercial Agents, and Consular Agents, as are allowed for their compensation the whole or any part of the fees which they may collect, and all such Vice-Consuls and Vice-Commercial Agents appointed to perform the duties of such Consuls-General, Consuls, and Commercial Agents as are allowed for their compensation the whole or any part of such fees, shall make returns, in such manner as the Secretary of State shall prescribe, of all such fees as they or any person in their behalf so collect.

**1127.** .SEC. 1726. Every Consular Officer shall give receipts for all fees collected for his official services, expressing the particular services for which the same were collected.

**1128.** .SEC. 1727. Every Consular Officer shall number all receipts given by him for fees received for official services, in the order of their dates, beginning with number one at the commencement of the period of his service, and on the first day of January in every year thereafter. He shall also register in a book to be kept by him for that purpose all fees so received by him, in the order in which they are received, specifying each item of service and the amount received therefor, from whom, and the dates when received, and if for any service connected with any vessel, the name thereof, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts respectively, so that the receipts and register shall correspond with each other; and he shall, in such register, specify the name of the person for whom, and the date when, he shall grant, issue, or verify any passport, certify any invoice, or perform any other official service in the entry of the receipt of the fees therefor, and also number each consular act so receipted for with the number of such receipt, and as shown by such register.

**1129.** .SEC. 1728. Every Consular Officer, in rendering account of fees received, shall furnish a full transcript of the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true, and contains a full and accurate statement of all fees received by him, or for his use, for his official services as such Consular Officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the Consular Officer is located. If any

such Consular Officer willfully and corruptly commits perjury, in any such oath within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense.

**1130.** SEC. 1729. All fees collected by any Consul or Commercial Agent not mentioned in Schedule B or C, or by any Vice-Consul or Commercial Agent appointed to perform their duties, or by any other person in their behalf, shall be accounted for to the Secretary of the Treasury in the manner prescribed by the five preceding sections.

**1131.** SEC. 1730. Consuls-General, Consuls, and Commercial Agents, not embraced in Schedules B and C, shall be entitled, as compensation for their services, to such fees as they may collect under the regulations prescribed by the President governing the subject of fees.

**1132.** SEC. 1731. It shall be the duty of all Consular Officers at all times to keep posted up in their offices, respectively, in a conspicuous place, and subject to the examination of all persons interested therein, a copy of such rates or tariffs as shall be in force.

**1133.** SEC. 1732. Whenever the fees collected by or in behalf of any Consul or Commercial Agent, not mentioned in Schedule B or C, amount to more than twenty-five hundred dollars in any one year, over and above such expenses of office-rent and clerk-hire as are approved by the Secretary of State, of which return shall be made to the Secretary of the Treasury, the excess for that year shall be held subject to the draft or other directions of the Secretary of the Treasury.

**1134.** SEC. 1733. All moneys received for fees at any Vice-Consulates or Consular Agencies of the United States, beyond the sum of one thousand dollars in any one year and all moneys received by any Consul or Consul-General from Consular Agencies or Vice-Consulates in excess of one thousand dollars in the aggregate from all such Agencies or Vice-Consulates, shall be accounted for to the Secretary of the Treasury, and held subject to his draft or other directions.

**1135.** SEC. 1734. Every Consular Officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of such moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than one year and by a fine of not more than two thousand dollars, and shall be forever disqualified from holding any office of trust or profit under the United States.

**1136.** SEC. 1735. Whenever any Consular Officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect or omission, malfeasance, abuse, or corrupt conduct, for all damages oc-

occasioned thereby; and for all such damages he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof, to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office.

**1137.** SEC. 1736. If any Consul or Commercial Agent neglects or omits to perform, seasonably, the duties imposed upon him by the laws regulating the shipment and discharge of seamen, and the reclamation of deserters on board or from vessels in foreign ports, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years, and not less than one, and by a fine of not more than ten thousand dollars and not less than one thousand.

**1138.** SEC. 1737. If any Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than ten thousand dollars.

**1139.** SEC. 1738. No Consular Officer shall exercise diplomatic functions or hold any diplomatic correspondence or relation on the part of the United States, in, with, or to the government or country to which he is appointed, or any other country or government, when there is in such country any officer of the United States authorized to perform diplomatic functions therein; nor in any case, unless expressly authorized by the President so to do.

**1140.** SEC. 1739. For such time as any Consular Officer shall be authorized to perform diplomatic functions, in the absence of the regular Diplomatic Officer in the country to which he shall be appointed, he shall be entitled, in addition to his compensation as such Consular Officer, to receive compensation for his services while so authorized, at the rate which would be allowed for a Secretary of Legation in such country.

### CHAPTER III.

#### **Provisions common to Diplomatic and Consular Officers.**

**1141.** SEC. 1740. No Ambassador, Envoy Extraordinary, Minister Plenipotentiary, Minister Resident, Commissioner, Chargé d'Affaires, Secretary of Legation, Assistant Secretary of Legation, Interpreter to any Legation or Consulate, or Consul-General, Consul, or Commercial Agent, mentioned in Schedules B and C, shall be entitled to compensation for his services, except from the time when he reaches his post and enters upon his official duties to the time when he ceases to hold such office, and for such time as is actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the direct transit between the place of his residence, when appointed, and his post of duty, at the commencement and termination of the period of his offi-

cial service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned. And no person shall be deemed to hold any such office after his successor is appointed and actually enters upon the duties of his office at his post of duty nor after his official residence at such post has terminated if not so relieved. But no such allowance or payment shall be made to any Consul-General, Consul, or Commercial Agent, not embraced in Schedules B and C, or to any Vice-Consul, Vice-Commercial Agent, Deputy Consul, or Consular Agent, for the time so occupied in receiving instructions, or in such transit as aforesaid; nor shall any such officer as is referred to in this section be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he has resigned or been recalled therefrom for any malfeasance in his office.

**1142..SEC. 1741.** No Ambassador, Envoy Extraordinary, Minister Plenipotentiary, Minister Resident, Commissioner, Chargé d'Affaires, Secretary of Legation, Assistant Secretary of Legation, Interpreter for any Legation, or Consulate, or Consul-General, Consul, or Commercial Agent, mentioned in Schedules B and C, or Consular Agent, shall be absent from his post, or the performance of his duties, for a longer period than ten days at any one time, without the permission previously obtained of the President.

**1143..SEC. 1742.** No Diplomatic or Consular Officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such Diplomatic or Consular Officer to the United States may be allowed in addition to such sixty days.

**1144..SEC. 1743.** The compensation allowed by law to the various Diplomatic and Consular Officers shall be in full for all the services rendered and personal expenses incurred by the persons respectively for whom such compensation is provided, of whatever kind such services or personal expenses may be, or by whatever treaty, law, or instructions they are required; and no allowance, other than such as is so provided, shall be made in any case for the outfit or return home of any such officer or person.

**1145..SEC. 1744.** No compensation provided for any officer mentioned in section sixteen hundred and seventy-five, or for any Assistant Secretary of Legation, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

**1146..SEC. 1745.** The President is authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several Legations, Consulates, and Commercial Agencies, and to adapt the same, by such differences as may be necessary or proper, to each Legation, Consulate, or Commercial Agency; and it shall be the duty of all officers and persons connected with such Legations, Consulates, or Commercial Agencies to collect for such official services such and only such fees as may be prescribed for their respective Legations, Consulates, and Commercial Agencies, and such rates or tariffs shall be reported annually to Congress.

**1147.**..SEC. 1746. All fees collected by Diplomatic and Consular Officers for and in behalf of the United States shall be collected in the coin of the United States, or at its representative value in exchange.

**1148.**..SEC. 1747. All fees collected by the Consuls-General, Consuls, and Commercial Agents mentioned in Schedules B and C, and by Vice-Consuls and Vice-Commercial Agents appointed to perform their duties, or by any other persons in their behalf, shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions.

**1149.**..SEC. 1748. The President is authorized to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs, as he shall think necessary for the several Legations, Consulates, and Commercial Agencies, in the transaction of their business.

**1150.**..SEC. 1749. Whenever any Diplomatic or Consular Officer of the United States dies in a foreign country in the discharge of his duty, there shall be paid to his widow, or, if no widow survive him, then to his heirs at law, a sum of money equal to the allowance now made to such officer for the time necessarily occupied in making the transit from his post of duty to his residence in the United States.

**1151.**..SEC. 1750. Every Secretary of Legation and Consular Officer is hereby authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his Legation, Consulate, or Commercial Agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district in the United States, in the same manner, in all respects, as if such offense had been committed in the United States before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed three thou-



sand dollars, and may be charged, proceeded against, tried, convicted, and dealt with therefor, in the district where he may be arrested or in custody.

**1152.**..SEC. 1751. No Diplomatic or Consular Officer shall correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States, nor recommend any person, at home or abroad, for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such government.

**1153.**..SEC. 1752. The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all Diplomatic and Consular Officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe-keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interests. It shall be the duty of all such officers to conform to such regulations, orders, and instructions.

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## TITLE XIX.

### Provisions applicable to several classes of Officers.

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**1154.**..SEC. 1756. Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath: "I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter: so help me God.

**1155.**—SEC. 1757. Whenever any person who is not rendered ineligible to office by the provisions of the fourteenth amendment to the Constitution is elected or appointed to any office of honor or trust under the Government of the United States, and is not able, on account of his participation in the late rebellion, to take the oath prescribed in the preceding section, he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: so help me God."

**1156.**—SEC. 1758. The oath of office required by either of the two preceding sections may be taken before any officer who is authorized either by the laws of the United States, or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered.

**1157.**—SEC. 1759. The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six, or of section seventeen hundred and fifty-seven, shall be delivered in by him to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain.

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**1158.**—SEC. 1777. The various officers of the United States, to whom, in virtue of their offices and for the uses thereof, copies of the United States Statutes at Large, published by Little, Brown and Company, have been or may be distributed at the public expense, by authority of law, shall preserve such copies, and deliver them to their successors respectively as a part of the property appertaining to the office. A printed copy of this section shall be inserted in each volume of the Statutes distributed to any such officers.

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## TITLE XXV.

### Citizenship.

**1159.**—SEC. 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

**1160.**—SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

**1161.**..SEC. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

**1162.**..SEC. 1995. All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the 18th May, 1872, are citizens in the same manner as if born elsewhere in the United States.

**1163.**..SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

**1164.**..SEC. 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the Army or Navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office, in consequence of his desertion.

**1165.**..SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six.

**1166.**..SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

**1167.**..SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

**1168.**..SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation

of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

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## TITLE XXIX.

### Immigration.

**1169.**..SEC. 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port or place, to be disposed of or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.

**1170.**..SEC. 2159. If any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, be employed in the "coolie trade," so called, contrary to the provisions of the preceding section, such vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the vessel may be found, seized, or carried.

**1171.**..SEC. 2160. Every person who so builds, fits out, equips, loads, or otherwise prepares, or who sends to sea, or navigates, as owner, master, factor, agent, or otherwise, any vessel, belonging in whole or in part to a citizen of the United States, or registered, enrolled, or licensed within the same, knowing or intending that such vessel is to be or may be employed in that trade, contrary to the provisions of section twenty-one hundred and fifty-eight, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.

**1172.**..SEC. 2161. Every citizen of the United States who, contrary to the provisions of section twenty-one hundred and fifty-eight, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.

**1173.**..SEC. 2162. Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section twenty-one hundred and fifty-eight, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and

signed by the Consul or Consular Agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel; and the same shall not be given until such Consul or Consular Agent is first personally satisfied by evidence of the truth of the facts therein contained.

. 1174..SEC. 2163. The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States, and registered, enrolled, or licensed under the laws thereof, whenever, in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies"; and, upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law.

1175..SEC. 2164. No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to to such State from any other foreign country.

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## TITLE XXX.

### Naturalization.

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1176..SEC. 2174. Every seamen, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

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## TITLE XXXIII.

## Duties on Imports.

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**1177.** SEC. 2493. The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited; *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this law into effect, or to suspend the same as therein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

**1178.** SEC. 2494. The President of the United States, whenever in his judgment the importation of neat cattle and the hides of neat cattle may be made without danger of the introduction or spread of contagious or infectious disease among the cattle of the United States, may, by proclamation, declare the provisions of the preceding section to be inoperative, and the same shall be afterward inoperative and of no effect from and after thirty days from the date of said proclamation.

**1179.** SEC. 2495. Any person convicted of a willful violation of any of the provisions of the two preceding sections shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

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**1180.** SEC. 2505. The importation of the following articles shall be exempt from duty:

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American manufactures of casks, barrels, or carboys, and other vessels, and grain-bags (the manufacture of the United States), if exported containing American produce, and declaration be made of intent to return the same empty, under such regulations as shall be prescribed by the Secretary of the Treasury.

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Animals brought into the United States temporarily and for a period not exceeding six months, for the purpose of exhibition or competition for prizes offered by any agricultural or racing association. But a bond shall be first given, in accordance with the regulations to be prescribed by the Secretary of the Treasury, with the condition that the full duty to which such animals would otherwise be liable shall be paid in case of their sale in the United States, or if not re-exported within six months.

Animals, alive, specially imported for breeding purposes from beyond the seas, shall be admitted free, upon proof thereof satisfactory to the Secretary of the Treasury, and under such regulations as he may pre-

scribe. And teams of animals, including their harness and tackle, actually owned by persons immigrating to the United States with their families from foreign countries, and in actual use for the purposes of such immigration, shall also be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe.

Articles, the growth, produce, and manufacture of the United States, when returned in the same condition as exported. But proof of the identity of such articles shall be made under regulations to be prescribed by the Secretary of the Treasury; and if such articles were subject to internal tax at the time of exportation, such tax shall be proved to have been paid before exportation, and not refunded.

Philosophical and scientific apparatus, instruments, and preparations, statuary, casts of marble, bronze, alabaster, or plaster of Paris, paintings, drawings, and etchings, specially imported in good faith for the use of any society or institution incorporated or established for philosophical, educational, scientific, or literary purposes, or encouragement of the fine arts, and not intended for sale.

Books which shall have been printed and manufactured more than twenty years at the date of importation.

Books, maps, and charts imported by authority for the use of the United States or for the use of the Library of Congress. But the duty shall not have been included in the contract or price paid.

Books, maps, and charts, specially imported, not more than two copies in any one invoice, in good faith for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use, or by the order, of any college, academy, school, or seminary of learning in the United States.

Books, professional, of persons arriving in the United States.

Books, household effects, or libraries, or parts of libraries, in use of persons or families from foreign countries, if used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

Works of art: paintings, statuary, fountains, and other works of art, the production of American artists. But the fact of such production must be verified by the certificate of any consul or minister of the United States indorsed upon the written declaration of the artist.

Works of art: paintings, statuary, fountains, and other works of art, imported expressly for presentation to national institutions or to any State, or to any municipal corporation.

## TITLE XXXIV.

### Collection of Duties.

1181..SEC. 2837. All invoices shall be made out in the weights or measures of the country or place from which the importation is made,

and shall contain a true statement of the actual weights or measures of such merchandise, without any respect to the weights or measures of the United States. (See §§ 5443, 5445.)

**1182.** SEC. 2838. All invoices of merchandises subject to a duty ad valorem shall be made out in the currency of the place or country from whence the importation shall be made, and shall contain a true statement of the actual cost of such merchandise, in such foreign currency or currencies, without any respect to the value of the coins of the United States, or of foreign coins, by law made current within the United States, in such foreign place or country. (See § 2903.)

**1183.** SEC. 2839. If any merchandise, of which entry has been made in the office of a collector, is not invoiced according to the actual cost thereof at the place of exportation, with design to evade payment of duty, all such merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited.

**1184.** SEC. 2840. In every case in which a collector shall suspect that any merchandise is not invoiced at a sum equal to that for which it has usually been sold in the place or country from whence it was imported, he shall take the merchandise into his possession, and retain the same with reasonable care, at the risk and expense of the owner or consignee, until its value at the time and place of importation has been ascertained, as in the case of damaged merchandise, or of merchandise not accompanied with an invoice, and until the duties arising, according to such valuation, have been paid, or secured to be paid. But in case of a prosecution for forfeiture, such appraisement shall not exclude other proof, upon the trial, of the actual cost of the merchandise at the place of exportation.

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**1185.** SEC. 2843. No merchandise subject to ad valorem duty belonging to a person not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice is verified by the oath of the owner, or one of the owners, certifying that the merchandise was actually purchased for his account, or for account of himself and partners in the purchase; that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks are contained in the invoice but such as have been actually allowed on the same. Such oath shall be administered by a Consul or Commercial Agent of the United States, or by some public officer duly authorized to administer oaths in the country where the merchandise was purchased; and the same shall be duly certified by the Consul, Commercial Agent, or public officer; and when such oath is administered by an officer other than a Consul or Commercial Agent of the United States, such official certificate shall be authenticated by such a Consul or Commercial Agent. (See §§ 1715, 1717, 5442.)

**1186.** SEC. 2844. If there is no Consul or Commercial Agent of the United States in the country from which such merchandise was imported, the authentication required by the preceding section shall be executed by a Consul of a nation at the time in amity with the United States, if there is any such residing there; and if there is no such Consul in the country, the authentication shall be made by two respectable merchants, if any there be, residing in the port from which the merchandise shall have been imported.



**1187.** .SEC. 2845. No merchandise subject to ad valorem duty belonging to a person not residing at the time in the United States, who has not acquired the same in the ordinary mode of bargain and sale, or belonging to the manufacturer, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof is verified by the oath of the owner, or of one of the owners, administered and authenticated in the mode prescribed in the two preceding sections, and certifying that the invoice contains a true and faithful account of the merchandise, at its fair market value, at the time and place when and where the same was procured or manufactured, as the case may be, and of all charges thereon; and that the invoice contains no discounts, bounties, or drawbacks but such as have been actually allowed.

**1188.** .SEC. 2851. For every verification of an invoice and certificate before a Consul or Commercial Agent, such Consul or Commercial Agent shall be entitled to demand and receive from the person making the same a fee of two dollars and fifty cents. But each shipper shall have the right to include all articles shipped by him in the same invoice.

**1189.** .SEC. 2853. All invoices of merchandise imported from any foreign country shall be made in triplicate, and signed by the person owning or shipping such merchandise, if the same has actually been purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

**1190.** .SEC. 2854. All such invoices shall, at or before the shipment of the merchandise, be produced to the Consul, Vice-Consul, or Commercial Agent of the United States nearest the place of shipment, for the use of the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects true; that it contains, if the merchandise mentioned therein is subject to ad valorem duty, and was obtained by purchase, a true and full statement of the time when, and the place where, the same was purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have actually been allowed thereon; and when obtained in any other manner than by purchase, the actual market value thereof at the time and place when and where the same was procured or manufactured; and, if subject to specific duty, the actual quantity thereof; and that no different invoice of the merchandise mentioned in the invoice so produced has been or will be furnished to any one. If the merchandise was actually purchased the declaration shall also contain a statement that the currency in which such invoice is made out is the currency which was actually paid for the merchandise by the purchaser.

**1191.** .SEC. 2855. The person so producing such invoice shall at the same time declare to such Consul, Vice-Consul, or Commercial Agent the port in the United States at which it is intended to make entry of merchandise; whereupon the Consul, Vice-Consul, or Commercial Agent shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with

the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned. The Consul, Vice-Consul, or Commercial Agent shall then deliver to the person producing the same one of the triplicates to be used in making entry of the merchandise; shall file another in his office, to be there carefully preserved; and shall, as soon as practicable, transmit the remaining one to the collector of the port of the United States at which it shall be declared to be the intention to make entry of the merchandise.

**1192.** .SEC. 2856. In case of merchandise imported from a foreign country adjacent to the United States, the declaration in the two preceding sections required may be made to, and the certificate indorsed by, the Consul, Vice-Consul, or Commercial Agent at or nearest to the port of clearance for the United States.

**1193.** .SEC. 2857. Whenever, from a change of the destination of any merchandise, after the production of the invoice thereof to the Consul, Vice-Consul, or Commercial Agent, or from other cause, the triplicate transmitted to the collector of the port to which such merchandise was originally destined is not received at the port where the same actually arrives, and where it is desired to make entry thereof, the merchandise may be admitted to an entry on the execution by the owner, consignee, or agent, of a bond, with sufficient security, in double the amount of duty apparently due, conditioned for the payment of the duty which shall be found to be actually due thereon. The collector of the port where such entry shall be made shall immediately notify the Consul, Vice-Consul, or Commercial Agent to whom such invoice has been produced to transmit to such collector a certified copy thereof, and such Consul, Vice-Consul, or Commercial Agent shall transmit the same accordingly without delay; and the duty shall not be finally liquidated until such triplicate, or a certified copy thereof, shall have been received. Such liquidation, however, shall not be delayed longer than eighteen months from the time of making such entry.

**1194.** .SEC. 2858. Whenever, from accident or other cause, it has become impracticable for the person desiring to make entry of any merchandise, to produce, at the time of making such entry, any invoice thereof, as hereinbefore required, it shall be lawful for the Secretary of the Treasury to authorize the entry of such merchandise upon such terms and in accordance with such general or special regulations as he may prescribe. The Secretary of the Treasury is hereby invested with the like powers of remission in cases of forfeiture arising under the foregoing provisions as in other cases of forfeiture under the revenue laws. (See §§ 5360, 5361.)

**1195.** .SEC. 2859. The six preceding sections shall not apply to countries where there is no Consul, Vice-Consul, or Commercial Agent of the United States. And whenever the value of the imported merchandise does not exceed one hundred dollars, the collector may admit it to entry without the production of the triplicate invoice, and without submitting the question to the Secretary of the Treasury, if he is satisfied that the neglect to produce such invoice was unintentional and that the importation was made in good faith, and without any purpose of defrauding or evading the revenue laws.

**1196.** .SEC. 2860. Except as allowed in the four preceding sections, no merchandise imported from any foreign place or country shall be admitted

to an entry unless the invoice presented in all respects conforms to the requirements of sections twenty-eight hundred and fifty-three, twenty-eight hundred and fifty-four, and twenty-eight hundred and fifty-five, and has thereon the certificate of the Consul, Vice-Consul, or Commercial Agent in those sections specified, nor unless the invoice is verified at the time of making such entry by the oath of the owner or consignee, or of the authorized agent of the owner or consignee, certifying that the invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made, nor unless the triplicate transmitted by the Consul, Vice-Consul, or Commercial Agent to the collector has been received by him.

**1197.** SEC. 2861. No Consular Officer of the United States shall grant a certificate for merchandise shipped from countries adjacent to the United States, which has passed a Consulate after purchase for shipment.

**1198.** SEC. 2862. All Consular Officers are hereby authorized to require, before certifying any invoice under the provisions of the preceding sections, satisfactory evidence, either by the oath of the person presenting such invoices or otherwise, that such invoices are correct and true. In the exercise of the discretion hereby given, the Consular Officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State.

**1199.** SEC. 2863. All Consuls and Commercial Agents of the United States having any knowledge or belief of any case or practice of any person who obtains verification of any invoice whereby the revenue of the United States is or may be defrauded, shall report the facts to the collector of the port where the revenue is or may be defrauded, or to the Secretary of the Treasury.

**1200.** SEC. 2864. If any owner, consignee, or agent of any merchandise shall knowingly make, or attempt to make, an entry thereof by means of any false invoice, or false certificate of a Consul, Vice-Consul, or Commercial Agent, or of any invoice which does not contain a true statement of all the particulars hereinbefore required, or by means of any other false or fraudulent document or paper, or of any other false or fraudulent practice or appliance whatsoever, such merchandise [or the value thereof] shall be forfeited. (See §§ 5444, 5452.)

**1201.** SEC. 2865. [*Every person who makes out or passes, or attempts to pass, through the custom-house any false, forged, or fraudulent invoice, or who shall aid or abet in making or passing such false, forged, or fraudulent invoice, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two years, or both, in the discretion of the court.*] [If any person shall knowingly and willfully, with intent to defraud the revenue of the United States, smuggle, or clandestinely introduce, into the United States, any goods, wares, or merchandise, subject to duty by law, and which should have been invoiced, without paying or accounting for the duty, or shall make out or pass, or attempt to pass, through the custom-house any false, forged, or fraudulent invoice, every such person, his, her, or their aiders and abettors, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five thousand dollars, or imprisoned for any term of time not exceeding two years, or both, at the discretion of the court.]

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## Appraisal.

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**1202..SEC. 2904.** When the duty upon any imports shall be subject to be levied upon the true market-value of such imports in the principal markets of the country from whence the importation has been made, or at the port of exportation, the duty shall be estimated and collected upon the value on the day of actual shipment, whenever a bill of lading shall be presented showing the date of shipment, and which shall be certified by a certificate of the United States Consul, Commercial Agent, or other legally authorized deputy.

**1203..SEC. 2905.** In all cases where merchandise, subject to ad-valorem duty, or on which the duties are to be levied upon the value of the square yard, and in all cases where any specific quantity or parcel of such merchandise has been imported into the United States from a country in which the same has not been manufactured or produced, the foreign value shall be appraised and estimated according to the current market-value or wholesale price of similar articles at the principal markets of the country of production or manufacture, at the period of the exportation of such merchandise to the United States.

**1204..SEC. 2906.** When an ad-valorem rate of duty is imposed on any imported merchandise, or when the duty imposed shall be regulated by, or directed to be estimated or based upon, the value of the square yard, or of any specified quantity or parcel of such merchandise, the collector within whose district the same shall be imported or entered shall cause the actual market-value, or wholesale price thereof, at the period of the exportation to the United States, in the principal markets of the country from which the same has been imported, to be appraised, and such appraised value shall be considered the value upon which duty shall be assessed.

**1205..SEC. 2907.** In determining the dutiable value of merchandise there shall be added to the cost, or to the actual wholesale price or general market-value at the time of exportation in the principal markets of the country from whence the same has been imported into the United States, the cost of transportation, shipment, and transshipment, with all the expenses included, from the place of growth, production or manufacture, whether by land or water, to the vessel in which shipment is made to the United States; the value of the sack, box, or covering of any kind in which such merchandise is contained; commission at the usual rates, but in no case less than two and a half per centum; and brokerage, export duty, and all other actual or usual charges for putting up, preparing, and packing for transportation or shipment. All charges of a general character incurred in the purchase of a general invoice shall be distributed pro rata among all parts of such invoice; and every part thereof charged with duties based on value shall be advanced according to its proportion, and all wines or other articles paying specific duty by grades shall be graded and pay duty according to the actual value so determined.

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**Drawback.**

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**1206.** SEC. 3044. All bonds which may be given for any merchandise exported from the United States, and on which any drawback of duties or allowance shall be payable, in virtue of such exportation, shall and may be discharged, and not otherwise, by producing within one year from the date thereof, if the exportation be made to any port of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port to whom the merchandise shall have been addressed, therein particularly setting forth and describing the articles so exported, their marks, numbers, description of packages, the number thereof and their actual contents, and declaring that the same have been received by them from on board the vessel, specifying the names of the master and vessel from which they were so received; and where such merchandise is not consigned or addressed to any particular person at the foreign port to which the vessel is destined, or may arrive, but where the master or other persons on board such vessel may be the consignee of such merchandise, a certificate from the person to whom such merchandise may be sold or delivered, by such master or other person, shall be produced to the same effect as that required if the person receiving the same were originally intended to be the consignee thereof.

**1207.** SEC. 3045. In addition to such certificate, it shall be necessary to produce a certificate under the hand and seal of the Consul or Agent of the United States, residing at the place, declaring either that the facts stated in the certificate of such consignee, or other person, are to his knowledge true, or that such certificate is deserving of full faith and credit; which certificates of the consignee, or other person, and Consul or Agent, shall in all cases, as respects the landing or delivery of the merchandise, be confirmed by the oath of the master and mate, if living, or in case of their death, by the oath of the two principal surviving officers of the vessel in which the exportation shall be made. Where there is no Consul or Agent of the United States residing at the place of delivery, the certificate of the consignee, or other person hereinbefore required, shall be confirmed by the certificate of two reputable American merchants residing at the place, or if there are no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the several facts stated in such consignee or other person's certificate, are, to their knowledge, just and true, or that such certificate is, in their opinion, worthy of full faith and credit; and such certificate shall also be supported by the oath of the master and mate, or other principal officers of the vessel, in manner as before prescribed. The oath of the master and mate, or other principal officers, shall, in all cases, when taken at a foreign port, be taken and subscribed before the Consul or Agent of the United States residing at such foreign port, if any such consul or agent reside thereat.

**TITLE XXXV.****Internal Revenue.**

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**1208.** SEC. 3385. Manufactured tobacco, snuff, and cigars intended for immediate exportation, may, after being properly inspected, marked, and branded, be removed from the manufactory in bond without having affixed thereto the stamps indicating the payment of the tax thereon. The removal of such tobacco, snuff, and cigars from the manufactory shall be made under such regulations, and after making such entries and executing and filing, with the collector of the district from which the removal is to be made, such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. There shall be affixed to each package of tobacco, snuff, and cigars intended for immediate export, before it is removed from the manufactory, an engraved stamp, indicative of such intention. Such stamp shall be provided and furnished to the several collectors as in the case of other stamps, and be charged to them and accounted for in the same manner; and for the expense attending the providing and affixing thereof, ten cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the manufacturer has made the proper entries, filed the bonds, and otherwise complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal, accurately describing the tobacco, snuff, and cigars to be shipped, the number and kind of packages, the number of pounds, the amount of tax, the marks and brands, the State and collection district from which the same are shipped, the number of the manufactory, and the manufacturer's name, the port from which the said tobacco, snuff, and cigars are to be exported, the route or routes over which the same are to be sent to the port of shipment, and the name of the vessel or line by which they are to be conveyed to the foreign port. The bonds required to be given for the exportation of the tobacco, snuff, and cigars shall be canceled upon the presentation of the proper certificates that said tobacco, snuff, and cigars have been landed at any port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same were lost at sea.

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**TITLE XLVII.****Foreign Relations.**

**1209.** SEC. 4075. The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such Diplomatic or Consular Officers of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States; and no other person shall grant,

issue, or verify any such passport. Where a legation of the United States is established in any country, no person other than the Diplomatic Representative of the United States at such place shall be permitted to grant or issue any passport, except in the absence therefrom of such Representative.

**1210.** SEC. 4076. No passport shall be granted or issued to or verified for any other persons than citizens of the United States.

**1211.** SEC. 4077. All persons who shall be authorized to grant, issue, or verify passports shall make return of the same to the Secretary of State, in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport.

**1212.** SEC. 4078. If any person acting, or claiming to act, in any office or capacity, under the United States, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any Consular Officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, he shall be imprisoned for not more than one year, or fined not more than five hundred dollars, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

**1213.** SEC. 4079. Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the Consul-General, Consuls, Vice-Consuls, or Consular or Commercial Agents of each nation shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such Consular Officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation.

**1214.** SEC. 4080. In all cases within the purview of the preceding section, the Consul-General, Consul, or other Consular Commercial Authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a circuit court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping-articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master

and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such Consular or Commercial Authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the Consular or other sufficient official seal. Thereupon such court, judge, or commissioner, shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

**1215.** SEC. 4081. If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient *prima facie* case that the matter concerns only the internal order and discipline of such foreign vessel, or whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the Consular or Commercial Authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the Consular Officers making the application.

**1216.** SEC. 4082. Marriages in presence of any Consular Officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. And such Consular Officers shall, in all cases, give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept; such certificates shall specify the names of the parties, their ages, places of birth, and residence.

**1217.** SEC. 4083. To carry into full effect the provisions of the treaties of the United States with China, Japan, Siam, Egypt, and Madagascar, respectively, the Minister and the Consuls of the United States duly appointed to reside in each of those countries, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaties, respectively, be invested with the judicial authority herein described, which shall appertain to the office of Minister and Consul, and be a part of the duties belonging thereto, wherein and so far as the same is allowed by treaty.



**1218.** SEC. 4084. The officers mentioned in the preceding section are fully empowered to arraign and try, in the manner herein provided, all citizens of the United States charged with offenses against the law, committed in such countries, respectively, and to sentence such offenders in the manner herein authorized; and each of them is authorized to issue all such processes as are suitable and necessary to carry this authority into execution.

**1219.** SEC. 4085. Such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or person; and they shall entertain jurisdiction in matters of contract at the port where or nearest to which the contract was made, or at the port at which or nearest to which it was to be executed, and in all other matters, at the port where or nearest to which the cause of controversy arose, or at the port where or nearest to which the damage complained of was sustained, provided such port be one of the ports at which the United States are represented by Consuls. Such jurisdiction shall embrace all controversies between citizens of the United States or others provided for by such treaties respectively.

**1220.** SEC. 4086. Jurisdiction in both criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such treaties, respectively, and so far as they are suitable to carry the same into effect, extended over all citizens of the United States in those countries, and over all others to the extent that the terms of the treaties, respectively, justify or require. But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States, furnish appropriate and sufficient remedies, the Ministers in those countries, respectively, shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies.

**1221.** SEC. 4087. Each of the Consuls mentioned in section forty hundred and eighty-three, at the port for which he is appointed, is authorized upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made or information filed in writing and authenticated in such way as shall be prescribed by the Minister, to issue his warrant for the arrest of any citizens of the United States charged with committing in the country an offense against law; and to arraign and try any such offender; and to sentence him to punishment in the manner herein prescribed.

**1222.** SEC. 4088. The Consuls and Commercial Agents of the United States at islands or in countries not inhabited by any civilized people, or recognized by any treaty with the United States, are authorized to try, hear, and determine all cases in regard to civil rights, whether of person or property, where the real debt or damages do not exceed the sum of one thousand dollars, exclusive of costs, and, upon full hearing of the allegations and evidence of both parties, to give judgment according to the laws of the United States, and according to the equity and

right of the matter, in the same manner as justices of the peace are now authorized and empowered where the United States have exclusive jurisdiction. They are also invested with the powers conferred by the provisions of sections forty hundred and eighty-six and forty hundred and eighty-seven for trial of offenses or misdemeanors.

**1223.** SEC. 4089. Any Consul when sitting alone may also decide all cases in which the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed ninety days; but in all such cases, if the fine exceeds one hundred dollars, or the term of imprisonment for misdemeanor exceeds sixty days, the defendants or any of them, if there be more than one, may take the case, by appeal, before the Minister, if allowed jurisdiction, either upon errors of law or matters of fact, under such rules as may be prescribed by the Minister for the prosecution of appeals in such cases.

**1224.** SEC. 4090. Capital cases for murder or insurrection against the government of either of the countries hereinbefore mentioned, by citizens of the United States, or for offenses against the public peace amounting to felony under the laws of the United States, may be tried before the Minister of the United States in the country where the offense is committed if allowed jurisdiction; and every such Minister may issue all manner of writs, to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force belonging to the United States as may at the time be within his reach.

**1225.** SEC. 4091. Each of the Ministers mentioned in section forty hundred and eighty-three shall, in the country to which he is appointed, be fully authorized to hear and decide all cases, criminal and civil, which may come before him, by appeal, under the provisions of this Title, and to issue all processes necessary to execute the power conferred upon him; and he is fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the Consuls or by himself, if asked for upon sufficient grounds.

**1226.** SEC. 4092. On any final judgment in a Consular Court of China or Japan, where the matter in dispute exceeds five hundred dollars and does not exceed two thousand five hundred dollars, exclusive of costs, an appeal shall be allowed to the Minister in such country, as the case may be. But the appellant shall comply with the conditions established by general regulations. And the Ministers are hereby authorized and required to receive, hear, and determine such appeals.

**1227.** SEC. 4093. On any final judgment in any Consular Court of China or Japan, where the matter in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars, an appeal shall be allowed to the circuit court for the district of California, and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings in the cause shall be transmitted to the circuit court, and no new evidence shall be received on the hearing of the appeal; and the appeal shall be subject to the rules, regulations, and restrictions prescribed in law for writs of error from district courts to circuit courts.

**1228** . SEC. 4094. On any final judgment of the Minister to China or to Japan given in the exercise of original jurisdiction, where the matter in dispute, exclusive of costs, exceeds two thousand five hundred dollars, an appeal shall be allowed to the circuit court, as provided in the preceding section.

**1229** . SEC. 4095. When any final judgment of the Minister to China or to Japan is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous, in point of law, may appeal therefrom to the circuit court for the district of California; but such appeal shall not operate as a stay of proceedings, unless the Minister certifies that there is probable cause to grant the same, when the stay shall be such as the interests of justice may require.

**1230** . SEC. 4096. The circuit court for the district of California is authorized and required to receive, hear, and determine the appeals provided for in this Title, and its decisions shall be final.

**1231** . SEC. 4097. In all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case.

**1232** . SEC. 4098. It shall be the duty of the Ministers and the Consuls in the countries mentioned in section forty hundred and eighty-three to encourage the settlement of controversies of a civil character by mutual agreement, or to submit them to the decision of referees agreed upon by the parties; and the Minister in each country shall prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the Consul. When parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed to hear the case, and a majority of them shall have power to decide the matter. If either party refuses or neglects to appear, the referees may proceed *ex parte*. After hearing any case such referees may deliver their award, sealed, to the Consul, who, in court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be rendered thereon, and execution issue in compliance with the terms thereof. The parties, however, may always settle the same before return thereof is made to the Consul.

**1233** . SEC. 4099. In all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the Minister in the country, or Consul, to adjust and settle the same among themselves, upon pecuniary or other considerations.

**1234** . SEC. 4100. The Ministers and Consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by treaty, and on their part to do and perform whatever is necessary to carry the provisions of the treaties into full effect, so far as they are to be executed in the countries, respectively.

**1235** . SEC. 4101. In all cases, except as herein otherwise provided, the punishment of crime provided for by this Title shall be by fine or imprisonment, or both, at the discretion of the officer who decides the case, but subject to the regulations herein contained, and such as may hereafter be

made. It shall, however, be the duty of such officer to award punishment according to the magnitude and aggravation of the offense. Every person who refuses or neglects to comply with the sentence passed upon him shall stand committed until he does comply, or is discharged by order of the Consul, with the consent of the Minister in the country.

**1236.** SEC. 4102. Insurrection or rebellion against the government of either of those countries, with intent to subvert the same, and murder, shall be capital offenses, punishable with death; but no person shall be convicted of either of those crimes unless the Consul and his associates in the trial all concur in opinion, and the Minister also approves of the conviction. But it shall be lawful to convict one put upon trial for either of these crimes of a less offense of a similar character, if the evidence justifies it, and to punish as for other offenses, by fine or imprisonment, or both.

**1237.** SEC. 4103. Whenever any person is convicted of either of the crimes punishable with death, in either of those countries, it shall be the duty of the Minister to issue his warrant for the execution of the convict, appointing the time, place, and manner; but if the Minister is satisfied that the ends of public justice demand it, he may from time to time postpone such execution; and if he finds mitigating circumstances which authorize it, he may submit the case to the President for pardon.

**1238.** SEC. 4104. No fine imposed by a Consul for a contempt committed in presence of the court, or for failing to obey a summons from the same, shall exceed fifty dollars; nor shall the imprisonment exceed twenty-four hours for the same contempt.

**1239.** SEC. 4105. Any Consul, when sitting alone for the trial of offenses or misdemeanors, shall decide finally all cases where the fine imposed does not exceed one hundred dollars, or the term of imprisonment does not exceed sixty days.

**1240.** SEC. 4106. Whenever, in any case, the Consul is of the opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he is of opinion that severer punishments than those specified in the preceding sections will be required, he shall summon, to sit with him on the trial, one or more citizens of the United States, not exceeding four, and in capital cases not less than four, who shall be taken by lot from a list which had previously been submitted to and approved by the Minister, and shall be persons of good repute and competent for the duty. Every such associate shall enter upon the record his judgment and opinion, and shall sign the same; but the Consul shall give judgment in the case. If the Consul and his associates concur in opinion, the decision shall, in all cases, except of capital offenses and except as provided in the preceding section, be final. If any of the associates differ in opinion from the Consul, the case, without further proceedings, together with the evidence and opinions, shall be referred to the Minister for his adjudication, either by entering up judgment therein or by remitting the same to the Consul, with instructions how to proceed therewith.

**1241.** SEC. 4107. Each of the Consuls mentioned in section four thousand and eighty-three shall have, at the port for which he is appointed, jurisdiction, as herein provided, in all civil cases arising under such treaties, respectively, wherein the damages demanded do not exceed the sum

of five hundred dollars; and, if he sees fit to decide the same without aid, his decision thereon shall be final. But whenever he is of opinion that any such case involves legal perplexities, and that assistance will be useful to him, or whenever the damages demanded exceed five hundred dollars, he shall summon, to sit with him on the hearing of the case, not less than two nor more than three citizens of the United States, if such are residing at the port, who shall be taken from a list which had previously been submitted to and approved by the Minister, and shall be of good repute and competent for the duty. Every such associate shall note upon the record his opinion, and also, in case he dissents from the Consul, such reasons therefor as he thinks proper to assign; but the Consul shall give judgment in the case. If the Consul and his associates concur in opinion, the judgment shall be final. If any of the associates differ in opinion from the Consul, either party may appeal to the Minister, under such regulations as may exist; but if no appeal is lawfully claimed, the decision of the Consul shall be final.

**1242.**..SEC. 4108. The jurisdiction allowed by treaty to the Ministers, respectively, in the countries named in section four thousand and eighty-three shall be exercised by them in those countries, respectively, wherever they may be.

**1243.**..SEC. 4109. The jurisdiction of such Ministers in all matters of civil redress, or of crimes, except in capital cases for murder or insurrection against the governments of such countries, respectively, or for offenses against the public peace amounting to felony under the laws of the United States, shall be appellate only: *Provided*, That in cases where a Consular Officer is interested, either as party or witness, such Minister shall have original jurisdiction.

**1244.**..SEC. 4110. All such officers shall be responsible for their conduct to the United States, and to the laws thereof, not only as Diplomatic or Consular Officers, but as Judicial Officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers.

**1245.**..SEC. 4111. The President is authorized to appoint Marshals for such of the Consular Courts in those countries as he may think proper, not to exceed seven in number, namely, one in Japan, four in China, one in Siam, and one in Turkey, each of whom shall receive a salary of one thousand dollars a year, in addition to the fees allowed by the regulations of the Ministers, respectively, in those countries.

**1246.**..SEC. 4112. It shall be the duty of the Marshals, respectively, to execute all process issued by the Minister of the United States in those countries, respectively, or by the Consul at the port at which they reside, and to make due return thereof to the officer by whom it was issued, and to conform in all respects to the regulations prescribed by the Ministers, respectively, in regard to their duties.

**1247.**..SEC. 4113. Each Marshal, before entering upon the duties of his office, shall give bond for the faithful performance thereof in a penal sum not to exceed ten thousand dollars, with two sureties to be approved by the Secretary of State. Such bond shall be transmitted to the Secretary of the Treasury, and a certified copy thereof be lodged in the office of the Minister.

**1248.** SEC. 4114. Whenever any person desires to bring suit upon the bond of any such Marshal, it shall be the duty of the Secretary of the Treasury, or of the Minister having custody of a copy of the same, to give to the person so applying a certified copy thereof, upon which suit may be brought and prosecuted with the same effect as could be done upon the original: *Provided*, The Secretary of the Treasury, or the Minister to whom the application is made, is satisfied that there is probable cause of action against the Marshal.

**1249.** SEC. 4115. Upon a plea of *non est factum*, verified upon oath, or any other good cause shown, the court or the Consul or Minister trying the cause may require the original bond of the Marshal in those countries to be produced; and it shall be the duty of the Secretary of the Treasury to forward the original bond to the court, or Consul, or Minister requiring the same.

**1250.** SEC. 4116. All rules, orders, writs, and processes of every kind which are intended to operate or be enforced against any of the Marshals, in any of the countries named in this title, shall be directed to and executed by such persons as may be appointed for that purpose by the Minister or Consul issuing the same.

**1251.** SEC. 4117. In order to organize and carry into effect the system of jurisprudence demanded by such treaties, respectively, the Ministers, with the advice of the several Consuls in each of the countries, respectively, or of so many of them as can be conveniently assembled, shall prescribe the forms of all processes to be issued by any of the Consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs to be allowed to the prevailing party, and the fees to be paid for judicial services; the manner in which all officers and agents to execute process, and to carry this Title into effect, shall be appointed and compensated; the form of bail-bonds, and the security which shall be required of the party who appeals from the decision of a Consul; and shall make all such further decrees and regulations from time to time, under the provisions of this Title, as the exigency may demand.

**1252.** SEC. 4118. All such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as hereinbefore provided, for the advice of the Consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, and such Consul shall signify his assent or dissent in writing, with his name subscribed thereto. After taking such advice, and considering the same, the Minister in each of those countries may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication or any subsequent day thereto named in the act.

**1253.** SEC. 4119. All such regulations, orders, and decrees shall, as speedily as may be after publication, be transmitted by the Ministers, with the opinions of their advisers, as drawn up by them severally, to the Secretary of State, to be laid before Congress for revision.

**1254.** . SEC. 4120. It shall be the duty of the Minister in each of those countries to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as the Minister shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this Title; and regular accounts, both of receipts and expenditures, shall be kept by the Minister and Consuls, and transmitted annually to the Secretary of State.

**1255.** . SEC. 4121. The President, when provision is not otherwise made, is authorized to allow, in the adjustment of the accounts of each of the Ministers or Consuls, the actual expenses of the rent of suitable buildings or parts of buildings to be used as prisons for American convicts in those countries, not to exceed in any case the rate of six hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed, in any case, the sum of eight hundred dollars per annum. But no more than one prison shall be hired in Japan, four in China, one in Turkey, and one in Siam, at such port or ports as the Minister, with the sanction of the President, may designate, and the entire expense of prison and prison keepers at the Consulate of Bangkok, in Siam, shall not exceed the sum of one thousand dollars a year.

**1256.** . SEC. 4122. The President is authorized to allow, in the adjustment of the accounts of the Consul-General at Shanghai, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in China, not to exceed one thousand five hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed five thousand dollars a year; and to allow, in the adjustment of the accounts of the Consuls at other ports in China the actual expense of the hire of constables and the care of offenders, not to exceed in all five thousand dollars a year.

**1257.** . SEC. 4123. The President is hereby authorized to allow, in the adjustment of the accounts of the Consul at Kanagawa, the actual expense of the rent of a suitable building to be used as a prison for American convicts in Japan, not to exceed seven hundred and fifty dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed two thousand five hundred dollars a year; and to allow in the adjustment of the accounts of the Consuls at other ports in Japan the actual expense of the hire of constables and the care of offenders, not to exceed in all two thousand five hundred dollars a year.

**1258.** . SEC. 4124. The Secretary of State, through the Minister Resident at Japan, is authorized to rent, furnish, and keep suitable buildings, with grounds appurtenant, in Jeddo, or such other place as he may designate, for a court-house and jail, at an annual cost not exceeding five thousand dollars: *Provided*, That the period for which the buildings shall be rented shall be for two years, with renewals for two years, as the Secretary of State may determine.

**1259.** . SEC. 4125. The provisions of this Title, so far as the same relate to crimes and offenses committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May seventh, eighteen hundred and thirty, and shall be executed in the Ottoman dominions in conformity with the provisions of the treaty, and of this Title, by the Minister and the Consuls appointed to reside therein, who are hereby *ec officio* vested with the powers herein conferred upon the Minis-

ters and Consuls in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey, or its usages in its intercourse with the Franks or other foreign Christian nations.

**1260.. SEC. 4126.** The provisions of this Title shall extend to Persia, in respect to all suits and disputes which may arise between citizens of the United States therein; and the Minister and Consuls who may be appointed to reside in Persia are hereby invested, in relation to such suits and disputes, with such powers as are by this Title conferred upon the Ministers and Consuls in China. All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred, at the place where a Consul or Agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employé of the Consul or Agent of the United States; and it shall be the duty of the Consular Officer to attend the trial in person, and see that justice is administered. All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers shall be tried and adjudicated by the intermediation of their respective Ministers or Consuls, in accordance with such regulations as shall be mutually agreed upon by the Minister of the United States for the time being, and the Ministers of such foreign powers, respectively, which regulations shall from time to time be submitted to the Secretary of State.

**1261.. SEC. 4127.** The provisions of this Title, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, and Muscat, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties, and of the provisions of this Title, by the Consuls appointed by the United States to reside therein, who are hereby *ex officio* invested with the powers herein delegated to the Ministers and Consuls of the United States appointed to reside in the countries named in section forty hundred and eighty-three, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations.

**1262.. SEC. 4128.** If at any time there be no Minister in either of the countries hereinbefore mentioned, the judicial duties which are imposed by this Title upon the Minister shall devolve upon the Secretary of State, who is authorized and required to discharge the same.

**1263.. SEC. 4129.** The provisions of this Title relating to the jurisdiction of Consular and Diplomatic Officers over civil and criminal cases in the countries therein named, shall extend to any country of like character with which the United States may hereafter enter into treaty relations

**1264.. SEC. 4130.** [*The word "Minister," when used in this Title, shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "Consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of Consul-General, Consul, or Vice-Consul.*] [The word "Minister," when used in this



Title, shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "Consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of Consul-General, Vice-Consul-General, Consul, or Vice-Consul.]

## TITLE XLVIII.

### REGULATION OF COMMERCE AND NAVIGATION.

#### CHAPTER I.

##### Registry and Recording.

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**1265**..SEC. 4190. No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States, shall be issued, except to vessels duly registered or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents.

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##### Clearance and Entry.

**1266**..SEC. 4203. All vessels belonging to [*the*] citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department of the United States, or any Minister, Consul, or Commercial Agent of the United States abroad shall offer, and shall promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law. (See § 3976.)

**1267**..SEC 4204. All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds, and other securities, as the Government of the United States or any department thereof, or any Minister, Consul, Vice-Consul, or Commercial or other Agent of the United States abroad, shall offer and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transaction of business.

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**1268**..SEC. 4212. Upon the entry of every vessel of the United States from any foreign port, the master thereof shall make return, on oath,

showing that he has promptly delivered at such foreign port all mails placed on board of the vessel under his command before clearance from the United States. And in case the master shall fail to make such oath, showing that he has delivered the mails placed on board his vessel in good faith, the vessel shall not be entitled to the privileges of a vessel of the United States. (See §§ 3976, 3988.)

**1269**..SEC. 4213. It shall be the duty of all owners, agents, consignees, masters, and commanders of vessels to whom any receipt for fees shall be given by any Consular Officer, to furnish a copy thereof to the collector of the district in which such vessels shall first arrive on their return to the United States. And it shall also be the duty of every collector to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the Consular Officers by whom the same were certified. (See § 1726.)

#### Tonnage Duties.

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**1270**..SEC. 4222. No Consul or Consular Agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such Consul or Consular Agent shall perform some official services, required by law for such vessel, when she shall thus touch at a Canadian port. (See § 2793.)  
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#### Navigation.

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**1271**..SEC. 4238. Consuls and Vice-Consuls, in cases where vessels of the United States are stranded on the coasts of their Consulates, respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No Consul or Vice-Consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.  
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**1272**..SEC. 4250. Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession, nor in any case where a master has possession as part owner, obtained before the [nineteenth] [ninth] day of April, eighteen hundred and seventy-two.  
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## TITLE XLIX.

## Regulation of Vessels in Foreign Commerce.

**1273**..SEC. 4306. Every vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector for the district where such vessel may be, with a passport, the form for which shall be prescribed by the Secretary of State. In order to be entitled to such passport, the master of every such vessel shall be bound, with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned that the passport shall not be applied to the use or protection of any other vessel than the one described in it; and that, in case of the loss or sale of any vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

**1274**..SEC. 4307. If any vessel of the United States shall depart therefrom, and shall be bound to any foreign country, other than to some port in America, without such passport, the master of such vessel shall be liable to a penalty of two hundred dollars for every such offense.

**1275**..SEC. 4308. Every unregistered vessel owned by a citizen of the United States, and sailing with a sea-letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be with a passport, for which the master shall be subject to the rules and conditions prescribed for vessels of the United States.

**1276**..SEC. 4309. Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, sea-letter, and Mediterranean passport with the Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, if any there be at such port; and it shall be the duty of such Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of Consular Officers. (See § 1718.)

**1277**..SEC. 4310. Every master of any such vessel who refuses or neglects to deposit the papers as required by the preceding section, shall be liable to a penalty of five hundred dollars, to be recovered by such Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction.

**TITLE LIII.****MERCHANT SEAMEN.****CHAPTER I.****Shipping-Commissioners.**

**1278.** SEC. 4501. The several circuit courts within the jurisdiction of which there is a port of entry which is also a port of ocean navigation, shall appoint a commissioner for each such port which, in their judgment, may require the same, such commissioners to be termed shipping-commissioners; and may, from time to time, remove from office any commissioner whom the court may have reason to believe does not properly perform his duties, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Such courts shall regulate the mode of conducting business in the shipping-offices to be established by the shipping-commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

**1279.** SEC. 4502. Every shipping-commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient sureties therefor, to be approved by such judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and that I will truly and faithfully discharge the duties of a shipping-commissioner to the best of my ability, and according to law." Such oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath shall have been taken.

**1280.** SEC. 4503. In any port in which no shipping-commissioner shall have been appointed, the whole or any part of the business of a shipping-commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such custom-house shall be deemed a shipping-office, and the collector or deputy collector of customs to whom such business shall be committed shall, for all purposes, be deemed a shipping-commissioner within the meaning of this Title.

**1281.** SEC. 4504. Any person other than a commissioner under this Title, who shall perform, or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping-commissioner, shall be liable to a penalty of not more than five hundred dollars. Nothing in this Title, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, and vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing himself, so far as

his vessel is concerned, the duties of shipping-commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection-district where no shipping-commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

**1282.**..SEC. 4505. Any shipping-commissioner may engage clerks to assist him in the transaction of the business of the shipping-office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping-commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Title; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping-commissioner.

**1283.**..SEC. 4506. Each shipping-commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping-commissioner, and purporting to be under the seal and signature of such shipping-commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

**1284.**..SEC. 4507. Every shipping-commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith; and these premises shall be styled the shipping-commissioner's office.

**1285.**..SEC. 4508. The general duties of a shipping-commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant-seamen or merchant-ships as are now or may hereafter be required by law.

## CHAPTER II.

### Shipment.

**1286.**..SEC. 4509. Every shipping-commissioner appointed under this Title shall, if applied to for the purpose of apprenticing boys to the sea-service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping-commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship,

and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping-commissioner shall keep a register of all indentures of apprenticeship made before him.

**1287**.. SEC. 4510. The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping-commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked A in the schedule annexed to this Title; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or guardian. For any violation of this section, the master shall be liable to a penalty of not more than one hundred dollars.

**1288**.. SEC. 4511. The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A in the schedule annexed to this Title, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress as proper to be adopted, and which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law.

**1289**.. SEC. 4512. The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping-commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

“State of ———, County of ———:

“On this ——— day of ———, personally appeared before me, a shipping-commissioner in and for the said county, A B, C D, and E F, severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily for the uses and purposes therein mentioned.”

**1290..SEC. 4513.** The preceding section shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reship and sail in the same vessel on another voyage, without the payment of additional fees to the shipping-commissioner, by either the seamen or the master.

**1291..SEC. 4514.** If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

**1292..SEC. 4515.** If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant-vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title, the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

**1293..SEC. 4516.** In case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States Consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

**1294**..SEC. 4517. Every master of a merchant-vessel who engages any seamen at a place out of the United States, in which there is a Consular Officer or Commercial Agent, shall, before carrying such seamen to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping-commissioner in the United States shall apply to such engagements made before a Consular Officer or Commercial Agent; and upon every such engagement the Consular Officer or Commercial Agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

**1295**..SEC. 4518. Every master who engages any seamen in any place in which there is a Consular Officer or Commercial Agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

**1296**..SEC. 4519. The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

**1297**..SEC. 4520. Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman on board such vessel, except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seamen shall be shipped.

**1298**..SEC. 4521. If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months before the next time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of twenty dollars for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title.

**1299**..SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward, there shall be a memorandum in writing of the day and the hour on which the seamen who ship and subscribe shall render themselves on board to begin the voyage agreed upon. If any such seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum, and if the master of the vessel shall, on the day on which such neglect happened, make an entry in the log-book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself, after the time appointed, every such seaman shall forfeit for every hour which he shall so neglect to render himself, one day's



pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or, having rendered himself on board, shall afterward desert and escape, so that the vessel proceed to sea without him, he shall be liable to pay to the master, owner, or consignee of the vessel a sum equal to that paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of any State, city, town, or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

**1300..SEC. 4523.** All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

### CHAPTER III.

#### Wages and Effects.

**1301..SEC. 4524.** A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

**1302..SEC. 4525.** No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

**1303..SEC. 4526.** In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

**1304..SEC. 4527.** Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

**1305..SEC. 4528.** No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work

when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

**1306**.. SEC. 4529. The master or owner of every vessel making voyages from a port on the Atlantic to a port on the Pacific, or vice versa, shall pay to every seaman his wages, within two days after the termination of the agreement, or at the time such seaman is discharged, whichever first happens; and, in the case of vessels making foreign voyages, within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth part of the balance due to him. Every master or owner, who neglects or refuses to make payment in manner hereinbefore mentioned, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods; which sum shall be recoverable as wages in any claim made before the court. But this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage.

**1307**.. SEC. 4530. Every seaman shall be entitled to receive, from the master of the vessel to which he belongs, one-third part of the wages which shall be due to him at every port where such vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast is fully discharged at the last port of delivery, he shall be entitled to the wages which shall be then due.

**1308**.. SEC. 4531. All stipulations for the allotment of any part of the wages of a seaman, during his absence, which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made, and the persons to whom such payments are to be made.

**1309**—SEC. 4532. No advance of wages shall be made, or advance security given to any person, but to the seaman himself, or to his wife or mother; and no advance of wages shall be made, or advance security given, unless the agreement contains a stipulation for the same, and an accurate statement of the amount thereof; and no advance wages or advance security shall be given to any seaman, except in the presence of the shipping-commissioner.

**1310**.. SEC. 4533. If any advance of wages is made or advance security given to any seaman in any such manner as to constitute a breach of any of the provisions of the two preceding sections, the wages of such seaman shall be recoverable by him, as if no such advance had been made or promised; and in the case of any advance security so given, no person shall be sued thereon, unless he was a party to such breach.

**1311**.. SEC. 4534. Whenever any advance security is discounted for any seaman, such seaman shall sign or set his mark to a receipt indorsed on the security, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sails in the vessel from the port of departure mentioned in the security, and is then duly

earning his wages, or is previously discharged with the consent of the master, but not otherwise, the person discounting the security may, ten days after the final departure of the vessel from the port of departure mentioned in the security, sue for and recover the amount promised by the security, with costs, either from the owner or from any agent who has drawn or authorized the drawing of the security; and in any such proceeding it shall be sufficient for such person to prove that the security was given by the owner or master, or some other authorized agent, and that the same was discounted to and received by the seaman; and the seaman shall be presumed to have sailed in the vessel from such port, and to be duly earning his wages, unless the contrary is proved.

**1312.**..SEC. 4535. No seaman shall, by any agreement other than is provided by this Title, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

**1313.**..SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of wages, or of salvage, made prior to the accruing thereof, shall bind the party making the same, except such advance securities as are authorized by this Title.

**1314.**..SEC. 4537. No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

**1315.**..SEC. 4538. Whenever any seaman or apprentice belonging to or sent home on any merchant-vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

**1316.**..SEC. 4539. In cases embraced by the preceding section, the following rules shall be observed:

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to

the deceased, to the shipping-commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States Consular Officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall, within forty-eight hours after his arrival at his port of destination in the United States, produce the same to the shipping-commissioner there. Such Consular Officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the Consular Officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping-commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping-commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log-book, if there be any, and by such other vouchers, if any, as may be reasonably required by the officer or shipping-commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping-commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

**1317.** SEC. 4540. Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during

a voyage shall be recoverable in the courts and by the modes of proceedings by which seamen are enabled to recover wages due to them.

**1318.** SEC. 4541. Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the Consular Officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title, and shall quarterly remit to the district judge for the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the district judge requires.

**1319.** SEC. 4542. Whenever any seaman or apprentice dies in the United States and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping-commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged.

**1320.** SEC. 4543. Every shipping-commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

**1321.** SEC. 4544. If the money and effects of any seaman or apprentice paid, remitted, or delivered to the circuit court, including the moneys received for any part of his effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions herein-after contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

**1322.** SEC. 4545. When no claim to the wages or effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which, in their opinion, it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant-marine service.

**1323.** SEC. 4546. Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this Title, or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then any judge or justice of the peace, or any commissioner of a circuit court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

**1324.** SEC. 4547. If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the vessel, and the suit shall be proceeded on in the court, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suit all the seamen having cause of complaint of the like kind against the same vessel shall be joined as complainants; and it shall be incumbent on the master to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction, wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

**1325.** SEC. 4548. Moneys paid under the laws of the United States, by direction of Consular Officers or Agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

## CHAPTER IV.

**Discharge.**

**1326.**..SEC. 4549. All seamen discharged in the United States from merchant-vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping-commissioner under this Title, except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars.

**1327.**..SEC. 4550. Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping-commissioner, to such shipping-commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than fifty dollars. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log-book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

**1328.**..SEC. 4551. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form marked Table B in the schedule annexed to this Title; and every master who fails to sign and give to such seaman such certificate and discharge shall, for each such offense, incur a penalty not exceeding fifty dollars. But whenever the master shall discharge his crew, or any part thereof, in any collection district where no shipping-commissioner has been appointed, he may perform for himself the duties of such commissioner.

**1329.**..SEC. 4552. The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping-commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping-commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping-commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping-commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping-commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a shipping-commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping-commissioner, the shipping-commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

**1330 . SEC. 4553.** Upon every discharge effected before a shipping-commissioner, the master shall make and sign, in the form given in the table marked B in the schedule annexed to this Title, a report of the conduct, character, and qualifications of the persons discharged; or may state in such form that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

## CHAPTER V.

### Protection and Relief.

**1331 . SEC. 4554.** Every shipping-commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award shall be *prima facie* evidence thereof.

**1332 . SEC. 4555.** In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping-commissioner under the provisions of this Title, such shipping-commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping-commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such a default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application made by the shipping-commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.



**1333**.. SEC. 4556. If the mate or first officer under the master, and a majority of the crew of any vessel, bound on a voyage to any foreign port, shall, after the voyage is begun, and before the vessel shall have left the land, discover that the vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall upon the request of the mate, or other officer and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court of that judicial district, if he shall there reside, or, if not, to some justice of the peace of the city, town, or place, taking with him two or more of the crew who shall have made such request.

**1334**.. SEC. 4557. The judge or justice shall, upon such application of the master or commander, issue his precept directed to three persons in the neighborhood, the most skillful in maritime affairs that can be procured, requiring them to repair on board such vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, the judge or justice, as the case may be, in writing under their hands, or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge, and shall indorse on the report his judgment, whether the vessel is fit to proceed on the intended voyage; and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the judgment. The master or commander shall in the first instance pay all the cost of such view, report, and judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear, upon the report and judgment, to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages growing due to the complaining seamen.

**1335**.. SEC. 4558. If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, it shall be lawful for any justice of the peace to commit, by warrant under his hand and seal, every such seaman who refuses to the common jail of the county, there to remain without bail or mainprise until he has paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as are allowed by the justice, and inserted in the warrant; and the sureties of such seaman, in case he has given any, shall remain liable for such payment; nor shall any such seaman be discharged upon any writ of habeas corpus or otherwise, for want of any form of commitment, or other previous proceedings, until such sum is paid by him or his surety, if sufficient matter be made to appear, upon the return

of such habeas corpus, and an examination then had, to detain him for the causes hereinbefore assigned.

**1336**.. SEC. 4559. Upon a com laint in writing, signed by the first or the second and third officers, and a majority of the crew, of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the Consul, or a Commercial Agent who may discharge any duties of a Consul, shall appoint two disinterested, competent, practical men, acquainted with maritime affairs, to examine into the causes of complaint, who shall, in their report, state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

**1337**.. SEC. 4560. The inspectors appointed by any Consul or Commercial Agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the Consul or other Commercial Agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

**1338**.. SEC. 4561. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident, and in case it was by neglect or design, and the Consul or other Commercial Agent approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in addition to his wages to the time of discharge; but if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to their pay up to the time of discharge.

**1339**.. SEC. 4562. The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the Consul or Commercial Agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the Consul or Commercial Agent directing the inquiry may officially certify.

**1340**.. SEC. 4563. Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

**1341.** SEC. 4564. Every vessel belonging to a citizen of the United States, bound on a voyage across the Atlantic Ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh-meat, and one hundred pounds of wholesome ship-bread, for every person on board such vessel, besides such other provisions, stores, and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages.

**1342.** SEC. 4565. Any three or more of the crew of any merchant-vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or Consular Officer of the United States, or shipping-commissioner, or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

**1343.** SEC. 4566. If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the master or owner, out of his wages, a sum not exceeding one week's wages.

**1344.** SEC. 4567. If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

**1345.** SEC. 4568. If, during a voyage, the allowance of any of the provisions which any seaman has, by his agreement, stipulated for, is reduced, except in accordance with any regulations for reduction by way of punishment, contained in the agreement, and also for any time during which such seaman willfully and without sufficient cause refuses or

neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore; or if it is shown that any of such provisions are, or have been during the voyage, bad in quality, and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding fifty cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

Third. In respect of bad quality, a sum not exceeding one dollar a day.

But if it is shown to the satisfaction of the court before which the case is tried that any provisions the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof, in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.

**1346.** SEC. 4569. Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing-vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continue, the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew.

**1347.** SEC. 4570. If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar, and vinegar, in the case and manner directed, he shall for each such offense be liable to a penalty of not more than one hundred dollars; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

**1348.** SEC. 4571. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in de-

fault shall, for every offense, be liable to a penalty of not more than fifty dollars.

**1349**.. SEC. 4572. Every vessel bound on any foreign voyage shall also be provided with at least one suit of woolen clothing for each seaman, for use during the winter months; and every such vessel shall be provided with fuel and a safe and suitable room in which a fire can be kept for the use of seamen.

**1350**.. SEC. 4573. Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale-fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents.

**1351**.. SEC. 4574. In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this Title.

**1352**.. SEC. 4575. The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the shipping-commissioner or officer acting as such in the district from which the clearance is made, a true and certified copy of the shipping-articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineation.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any Consul, or other Commercial Agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satis-

factorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and, in addition thereto, be punishable by a fine of one hundred dollars for each offense.

Sixth. It shall be the duty of the boarding-officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury and to the United States attorney in his district.

**1353.** SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the certified copy of the list of the crew, to the first boarding-officer, at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding-officer; whose duty it shall be to examine the men with such list, and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. But such bond shall not be forfeited on account of the master not producing to the first boarding officer any of the persons contained in the list, who may be discharged in a foreign country with the consent of the Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

**1354.** SEC. 4577. It shall be the duty of the Consuls, Vice-Consuls, Commercial Agents, and Vice-Commercial Agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities.

**1355.** SEC. 4578. All masters of vessels belonging to citizens of the United States, and bound to some port of the same, are required to take such destitute seamen on board of their vessels, at the request of the Consuls, Vice-Consuls, Commercial Agents, or Vice Commercial Agents, respectively, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person, as may be agreed between the master and the Consul or Officer. Every such master who refuses the same on the request or order

of such Consul or Officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such Consul or Officer, given under his hand and official seal, shall be presumptive evidence of such refusal, in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than two men to every one hundred tons burden of the vessel on any one voyage.

**1356.**..SEC. 4579. Whenever distressed seamen of the United States are transported from foreign ports where there is no Consular Officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

**1357.**..SEC. 4580. Upon the application of any seaman to a Consular Officer for a discharge, if it appears to such Officer that he is entitled to his discharge under any act of Congress, or according to the general principles or usages of maritime law, as recognized in the United States, the Officer shall discharge such seaman; and shall require from the master of the vessel from which such discharge shall be made the payment of three months' extra wages, over and above the wages which may then be due to such seaman. When, however, after a full hearing of both parties, the cause of discharge is found to be the misconduct of the seaman, the Consular Officer may remit so much of the extra wages as would be, by section forty-five hundred and eighty-four, payable to the seaman.

**1358.**..SEC. 4581. If any Consular Officer, when discharging any seaman, shall neglect to require the payment of and collect the extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount of their share of such wages, and to such seaman to the full amount of his share thereof; and if any seaman shall, after his discharge, have incurred any expense for board or other necessaries at the place of his discharge, before shipping again, such expense shall be paid out of the share of three months' wages to which he shall be entitled, which shall be retained for that purpose, and the balance only paid over to him.

**1359.**..SEC. 4582. Whenever a vessel belonging to a citizen of the United States is sold in a foreign country, and her company discharged, or when a seaman, a citizen of the United States, is, with his own consent, discharged in a foreign country, it shall be the duty of the master to produce to the Consular Officer the certified list of his ship's company, and to pay such Consul or Officer, for every seaman so discharged, designated on such list as a citizen of the United States, three months' pay over and above the wages which may then be due to such seaman.

**1360.**..SEC. 4583. No payment of extra wages shall be required upon the discharge of any seaman in cases where vessels are wrecked or stranded, or condemned as unfit for service. If any Consular Officer, upon the complaint of any seaman that he has fulfilled his contract, or that the voyage is continued contrary to his agreement, is satisfied that the contract has expired, or that the voyage has been protracted by circumstances beyond the control of the master, and without any design on

his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner without exacting the three months' additional pay. No payment of such extra wages, or any part thereof, shall be remitted in any case, except as allowed in this section.

**1361.** SEC. 4584. Whenever any Consular Officer, upon the discharge of any seaman, demands or receives extra three months' wages for such seaman, two-thirds thereof shall be paid by such Officer to the seaman so discharged, upon his engagement on board of any vessel to return to the United States. The remaining third shall be retained for the purpose of creating a fund for the payment of the passages of seamen, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the Treasury every six months by the persons receiving the same.

**1362.** SEC. 4585. There shall be assessed and collected by the collectors of customs at the ports of the United States, from the master or owner of every vessel of the United States arriving from a foreign port, or of every registered vessel employed in the coasting trade, and before such vessel shall be admitted to entry, the sum of forty cents per month for each and every seaman who shall have been employed on such vessel since she was last entered at any port of the United States; which sum such master or owner may collect and retain from the wages of such seamen.

**1363.** SEC. 4586. Whenever a sale or transfer of any vessels of the United States is made in a foreign port or water, the Consular Officer of the United States within whose Consulate or district the same is made, or in whose hands the papers of such vessel are, is required to collect of the master or agent of such vessel all moneys that shall have become due to the United States by virtue of the preceding section, and shall remain unpaid at the time of such sale or transfer; and such Consular Officer shall retain possession of the papers of such vessel until such money shall have been paid as herein provided; and in default of such payment the sale or transfer shall be void, excepting as against the vendor.

**1364.** SEC. 4587. No collector shall grant to any vessel except caul-boats employed in navigating the canals within the United States, whose enrollment or license for carrying on the coasting trade has expired, a new enrollment or license, unless the master of such vessel shall have first rendered a true account to the collector of the number of seamen and the time they have been employed on such vessel, during the continuance of the license which has so expired, and shall have paid to such collector forty cents per month for every such seaman who shall have been employed; which sum the master is hereby authorized to retain out of the wages of such seaman. Whenever the master of any registered, enrolled, or licensed vessel of the United States renders a false account of the number of seamen so employed, or of the length of time they have severally been employed, as is herein required, he shall be liable to a penalty of fifty dollars, which shall be applied to and shall make a part of the general fund created for the relief of sick and disabled seamen; and all needful regulations for the mode of collecting the sums hereinbefore mentioned



shall be prepared under the direction of the Secretary of the Treasury, by such person as by him may be designated.

**1365**..SEC. 4588. The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A B, collector of the district of D, do hereby certify that E F, an American seaman, aged ——— years, or thereabouts, of the height of ——— feet ——— inches (describing the said seaman as particularly as may be), has, this day, produced to me proof in the manner directed by law; and I do hereby certify that the said E F is a citizen of the United States of America. In witness whereof I have hereunto set my hand and seal of office, this ——— day of ———." It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced. For each certificate so delivered, the collectors shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents.

**1366**..SEC. 4589. The master of every vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, shall, at the first port at which such vessel arrives, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also whether he was an American citizen; and, if not, to what nation he belonged. Such master shall also transmit, by post or otherwise, every such protest made in a foreign country, to the nearest Consul or Agent, or to the Minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent immediately after his arrival within the United States to the Secretary of State, together with information to whom the original protest was transmitted. In case such protest shall be made within the United States, or in any foreign country in which no Consul, Agent, or Minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

**1367**..SEC. 4590. The collectors of the districts of the United States shall, from time to time, make known the provisions of the two preceding sections to all masters of vessels of the United States entering or clearing at their several offices. The master of every such vessel shall, before he is admitted to an entry by any such collector, be required to declare on oath whether any of the crew of the vessel under his command have been impressed or detained, in the course of his voyage, and how far he has complied with the directions of the preceding section. Every master who willfully neglects or refuses to make the declarations herein required, or to perform the duties enjoined by the preceding section, shall be liable to a penalty of one hundred dollars. The collectors shall prosecute for any forfeiture that may be incurred under this section.

**1368**..SEC. 4591. The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to the Secretary of State,

together with an account of such impressments or detentions as shall appear, by the protests of the masters, to have taken place.

## CHAPTER VI.

### Fees of Shipping-Commissioners.

**1369.** SEC. 4592. Fees not exceeding the sums specified in the tables marked "C" and "D," in the schedule annexed to this Title, shall be payable upon all engagements and discharges and apprenticeships effected before any shipping-commissioner. Each shipping-commissioner shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping-office, and may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

**1370.** SEC. 4593. Every owner, consignee, agent, or master of a vessel engaging or discharging any seaman in shipping-office, or before a shipping-commissioner, shall pay to the shipping-commissioner the whole of the fees hereby made payable in respect of such engagement or discharge; and may, for the purpose of in part reimbursing himself, deduct in respect to each such engagement or discharge, from the wages of all persons except apprentices, so engaged or discharged, and retain, any sums not exceeding the sums specified in that behalf in the table marked "E," in the schedule annexed to this Title.

**1371.** SEC. 4594. In no case shall the salary, fees, and emoluments of any officer appointed under this Title be more than five thousand dollars per annum; and any additional fees shall be paid into the Treasury of the United States.

**1372.** SEC. 4595. Every shipping-commissioner, and every clerk or employé in any shipping-office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant-vessels, excepting the lawful fees payable under this Title, shall, for every such offense, be liable to a penalty of not more than two hundred dollars.

## CHAPTER VII.

### Offenses and Punishments.

**1373.** SEC. 4596. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea service, commits any of the following offenses, he shall be punishable as follows:

First. For desertion, by imprisonment for not more than three months, and by forfeiture of all or any part of the clothes or effects he leaves on board, and of all or any part of the wages or emoluments which he has then earned.

Second. For neglecting and refusing, without reasonable cause, to join his vessel, or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel sailing from any port either at the commencement or during the progress of any voyage; or for absence at any time without leave, and without sufficient reason, from

his vessel, or from his duty, not amounting to desertion, or not treated as such by the master, by imprisonment for not more than one month, and also, at the discretion of the court, by forfeiture of his wages, of not more than two days' pay, and, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

Third. For quitting the vessel without leave after her arrival at her port of delivery, and before she is placed in security, by forfeiture out of his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command, by imprisonment for not more than two months, and also, at the discretion of the court, by forfeiture out of his wages of not more than four days' pay.

Fifth. For continued willful disobedience to lawful commands, or continued willful neglect of duty, by imprisonment for not more than six months, and also, at the discretion of the court, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum not more than twelve days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute.

Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

Seventh. For combining with any others of the crew to disobey lawful commands, or to neglect duty, or to impede navigation of the vessel, or the progress of the voyage, by imprisonment for not more than twelve months.

Eighth. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Ninth. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall also be liable to imprisonment for a period of not more than twelve months.

**1374** . SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with the reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings, the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

**1375** . SEC. 4598. If any seaman who shall have signed a contract to perform a voyage shall at any port or place desert, or shall absent him-

self from such vessel without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter, and bring him before such justice; and if it then appears that he has signed a contract within the intent and meaning of this Title, and that the voyage agreed for is not finished or altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or has absented himself without leave, the justice shall commit him to the house of correction or common jail of the city, town, or place, to remain there until the vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman.

**1376.** SEC. 4599. Whenever, either at the commencement of or during any voyage, any seaman or apprentice neglects or refuses to join, or deserts from, or refuses to proceed to sea in, any vessel in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master, or any mate, or the owner or consignee, or shipping-commissioner, may, in any place in the United States, with or without the assistance of the local public officers or constables, who are hereby directed to give their assistance if required, and also at any place out of the United States, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant; and may thereupon, in any case, and shall in case he so requires and it is practicable, convey him before any court of justice or magistrate of any State, State, city, town, or county, within the United States, authorized to take cognizance of offenses of like degree and kind, to be dealt with according to the provisions of law governing such cases; and may, for the purpose of conveying him before such court or magistrate, detain him in custody for a period not exceeding twenty-four hours, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board. If such apprehension appears to the court or magistrate before whom the case is brought to have been made on improper or on insufficient grounds, the master, mate, consignee, or shipping-commissioner who makes the same, or causes the same to be made, shall be liable to a penalty of not more than one hundred dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

**1377.** SEC. 4600. It shall be the duty of Consular Officers to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end, in the most effectual manner. In all cases where deserters are apprehended, the Consular Officer shall inquire into the facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, the seaman shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew-list and shipping-articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto, officially.

**1378.** SEC. 4601. Whenever any person harbors or secretes any seaman belonging to any vessel, knowing him to belong thereto, he shall be liable

to pay ten dollars for every day during which he continues so to harbor or secrete such seaman, recoverable one-half to the use of the person prosecuting the same, the other half to the use of the United States.

**1379**.. SEC. 4602. Any master of, or any seaman or apprentice belonging to, any merchant-vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to, such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

**1380**.. SEC. 4603. Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

**1381**.. SEC. 4604. All clothes, effects, and wages which, under the provisions of this Title, are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping-commissioner resident at the port at which the voyage of such vessel terminates; and the shipping-commissioner shall account for and pay over such balance to the judge of the circuit court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping-commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

**1382**.. SEC. 4605. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seamen, not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

**1383**.. SEC. 4606. Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such

person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title.

**1384.** SEC. 4607. If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months.

**1385.** SEC. 4608. No seaman in the merchant-service shall wear any sheath-knife on ship-board. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of the Treasury; one-half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

**1386.** SEC. 4609. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever other than the fees hereby authorized, for providing him with employment, he shall, for every such offense, be liable to a penalty of not more than one hundred dollars.

**1387.** SEC. 4610. All penalties and forfeitures imposed by this Title, for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any part of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this Title, for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section forty-five hundred and forty-five: *Provided, always,* That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: *Provided, also,* That all proceedings so

to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

**1388.** SEC. 4611. Flogging on board vessels of commerce is hereby abolished.

**1389.** SEC. 4612. In the construction of this Title, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman"; and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

## SCHEDULE.

### TABLE A.

#### FORM OF ARTICLES OF AGREEMENT.

#### UNITED STATES OF AMERICA:

(Date and place of first signature of agreement, including name of shipping office:)

It is agreed between the master and seamen or mariners of the \_\_\_\_\_, of which \_\_\_\_\_ is at present master, or whoever shall go for master, now bound from the port of \_\_\_\_\_, to \_\_\_\_\_ (here the voyage is to be described, and the places named at which the vessel is to touch, or, if that cannot be done, the general nature and probable length of the voyage is to be stated).

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the vessel, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in

proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by \_\_\_\_\_, master, on the \_\_\_\_\_ day of \_\_\_\_\_, eighteen hundred and \_\_\_\_\_.

Signature of crew.	Birth-place.	Age.	Height.		Description.		Wages per month.	Wages per run.	Advance wages.	Amount of monthly allotment.	Time of service.		Hospital money.	Whole wages.	Wages due.	Place and time of entry.	Time at which he is to be on board.	In what capacity.	Shipping-commissioner's signature or initials.	Allotment payable to—	Conduct, qualifications.	
			Feet.	Inches.	Complexion.	Hair.					Months.	Days.										

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship, the entries are to be made as above, except that the signatures of the Consul or Vice-Consul, Officer of Customs, or witness before whom the man is engaged, is to be substituted for that of the shipping master.

#### ACCOUNT OF APPRENTICES ON BOARD.

Christian and surname of apprentice in full.	Date of registry of indenture.	Port at which indenture was registered.	Date of register of assignment.	Port at which assignment was registered.





I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated — day of —, eighteen hundred and —.

(Signed) \_\_\_\_\_, *Master*.

(Countersigned) \_\_\_\_\_, *Seaman*.

Given to the above-named seaman in my presence this — day of —, eighteen hundred and —.

(Signed)

\_\_\_\_\_,  
*Shipping-Commissioner.*

#### TABLE C.

##### FEEES (SEAMEN).

Fee payable on engaging crew, for each member of the crew (except apprentices) .....	\$2 00
Fee payable on discharging crew, for each member of crew discharged .....	50

#### TABLE D.

##### FEEES (APPRENTICES).

For each boy apprenticed to the merchant service, including the indenture .....	\$5 00
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#### TABLE E.

##### REDUCTION FROM WAGES OF SEAMEN.

In partial repayment of the fees payable in Table C, in respect of engagements, from the wages of each member of the crew, twenty-five cents.  
In respect of discharges, from the wages of each member of the crew, twenty-five cents.

### TITLE LXVI.

#### Extradition.

\* \* \* \* \*

1390.. SEC. 5271. [In every case of complaint, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which an original warrant in any foreign country may have been granted, certified under the hand of the person issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended, if they are authenticated

*in such manner as would entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party escaped. The certificate of the principal Diplomatic or Consular Officer of the United States resident in such foreign country shall be proof that any paper or other document so offered is authenticated in the manner required by this section.*] [In every case of complaint and of a hearing upon the return of the warrant of arrest, any depositions, warrants, or other papers offered in evidence, shall be admitted and received for the purpose of such hearing if they shall be properly and legally authenticated so as to entitle them to be received as evidence of the criminality of the person so apprehended, by the tribunals of the foreign country from which the accused party shall have escaped, and copies of any such depositions, warrants, or other papers, shall, if authenticated according to the law of such foreign country, be in like manner received as evidence; and the certificate of the principal Diplomatic or Consular Officer of the United States resident in such foreign country shall be proof that any such deposition, warrant, or other paper, or copy thereof, is authenticated in the manner required by this section.]

\* \* \* \* \*

## TITLE LXX.

### CRIMES.

\* \* \* \* \*

### CHAPTER III.

#### Crimes arising within the Maritime and Territorial Jurisdiction of the United States.

\* \* \* \* \*

**1391.** SEC. 5363. Every master or commander of any vessel belonging, in whole or in part, to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months.

\* \* \* \* \*

**1392.** SEC. 5442. Every Consul, Vice-Consul, Commercial Agent, or Vice-Commercial Agent, who knowingly and falsely certifies to any invoice or other papers to which his certificate is by law authorized or required, shall be punished by a fine of not more than ten thousand dollars, and by imprisonment for a term not more than three years. (See §§ 1715, 1717.)

\* \* \* \* \*

**1393..SEC. 5495.** The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money, to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received or may be held, or to transfer or disburse any such money promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, as prima-facie evidence of such embezzlement.

\* \* \* \* \*

**JOINT RESOLUTION** providing for a change in the name and title of the Agent and Consul-General of the United States at Alexandria, approved January 8, 1874.

**1394..** *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the name and title of the Agent and Consul-General of the United States at Alexandria shall, from the passage of this joint resolution, be "Agent and Consul-General of the United States at Cairo."

**AN ACT** to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established, or to be established, under the authority of the Sublime Porte, and of the Government of Egypt, approved March 23, 1874.

**1395..** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the President of the United States shall receive satisfactory information that the Ottoman Government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the Minister, Consuls, and other functionaries of the United States, pursuant to the act of Congress approved the twenty-second of June, eighteen hundred and sixty, entitled "An act to carry into effect provisions of the treaties between the United States, China, Persia, and other countries, giving certain judicial powers to Ministers and Consuls, or other functionaries of the United States in those countries, and for other purposes," he is hereby authorized to suspend the operations of said acts as to the dominions in which such tribunals may be organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the Minister, Consuls, or other functionaries of the United States in said dominions, and to notify the Government of the Sublime Porte, or that of Egypt, or either of them, that the United States, during such suspension will, as aforesaid, accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the Minister, Consuls, or other functionaries of the United States.

**1396..SEC. 2.** That the President is hereby authorized, for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions.

AN ACT in reference to the operations of the shipping-commissioners act, approved June seventh, eighteen hundred and seventy-two, approved June 9, 1874.

**1397.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That none of the provisions of an act entitled "An act to authorize the appointment of shipping-commissioners by the several circuit courts of the United States to superintend the shipping and discharge of seamen engaged in merchant-ships belonging to the United States, and for the further protection of seamen," shall apply to sail or steam vessels engaged in the coastwise trade, except the coastwise trade between the Atlantic and Pacific coasts or in the lake-going trade, touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage.

AN ACT making appropriations for the Consular and Diplomatic service of the Government for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes, approved June 11, 1874.

**1398.** \* \* \* \* \*  
and the bonds which Consular Officers who are not compensated by salaries are required by the thirteenth section of the act of August eighteenth, eighteen hundred and fifty-six, to enter into shall hereafter be made with such sureties as the Secretary of State shall approve.  
\* \* \* \* \*

**1399.** SEC. 4. That the Secretary of State shall, as soon as practicable, establish and determine the maximum amount of time actually necessary to make the transit between each Diplomatic and Consular Post and the city of Washington, and vice versa, and shall make the same public. He may also, from time to time, revise his decision in this respect; but in each case the decision is to be in like manner made public. And the allowance for time actually and necessarily occupied by each Diplomatic and Consular Officer who may be entitled to such allowance shall in no case exceed that for the time thus established and determined, with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such officer.

**1400.** SEC. 5. That from and after the first day of July next, the annual salary of Consular Clerks who shall have remained continuously in service as such for the period of five years and upward shall be one thousand two hundred dollars.

**1401.** SEC. 6. That any Vice-Consul who may be temporarily acting as Consul during the absence of such Consul may receive compensation, notwithstanding that he is not a citizen of the United States.  
\* \* \* \* \*

AN ACT relating to Ambassadors, Consuls, and other officers, approved June 17, 1874.

**1402.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no Ambassador, Envoy Extraordinary, Minister Plenipotentiary, Minister Resident, Com-

missioner to any foreign country, Chargé d'Affaires, Secretary of Legation, Assistant Secretary of Legation, Interpreter to any Legation in any foreign country, Consul-General, Consul, Commercial Agent, Consular Pupils, or Consular Agent shall be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness; nor shall any Diplomatic or Consular Officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States; nor, without the consent of the Secretary of State previously obtained, recommend any person, at home or abroad, for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government.

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AN ACT supplementary to the acts in relation to immigration, approved March 3, 1875.

**1403.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States, is free and voluntary, as provided by section two thousand one hundred and sixty-two of the Revised Code, Title "Immigration," it shall be the duty of the Consul-General or Consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States for lewd and immoral purposes; and if there be such contract or agreement, the said Consul-General or Consul shall not deliver the required permit or certificate.

**1404.** **SEC. 2.** That if any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and on conviction of such offense shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year; and all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

**1405.** **SEC. 3.** That the importation into the United States of women for the purposes of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and

whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any woman to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years, and pay a fine not exceeding five thousand dollars.

**1406.** SEC. 4. That if any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of any cooly or other person brought into the United States in violation of section two thousand one hundred and fifty-eight of the Revised Statutes, or of any other section of the laws prohibiting the cooly trade or of this act, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding one year.

**1407.** SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution." Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden. When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided; and at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section, be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector shall be found to be in accordance with this section and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which

event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival, and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months. And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law.

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AN ACT to abolish the Consulate at Amoor River and establish a Consulate at Vladivostock, Russia, and for other purposes, approved March 3, 1875.

**1408.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Amoor River, in Russia, be discontinued as a Consulate of class five, in schedule B, as the same was amended by chapter two hundred and seventy-five of the laws of the first session of the Forty-third Congress; and that Vladivostock be a Consulate of class five, in schedule B, and that the Consul at Vladivostock and the Consuls at Fayal and Auckland be, and they severally hereby are, exempted from the prohibition to engage in business and trade embraced in sections one thousand six hundred and ninety-nine and one thousand and seven hundred of the Revised Statutes of the United States.

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AN ACT to amend the Revised Statutes touching Vice-Consul-General, approved February 1, 1876.

**1409.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section forty-one hundred and thirty of the Revised Statutes of the United States be, and the same is, amended by inserting, after the words "Consul-General," the words "Vice-Consul-General," so that the section shall read as follows, namely:

SEC. 4130. The word "Minister," when used in this Title, shall be understood to mean the person invested with, and exercising, the principal Diplomatic functions. The word "Consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of Consul-General, Vice-Consul-General, Consul, or Vice-Consul.

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AN ACT to change the name of the "Consulate at Omoa and Truxillo," approved February 11, 1878.

**1410.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the name of the "Consulate at Omoa and Truxillo" be, and the same is hereby, changed to the "Consulate Ruatan and Truxillo."



AN ACT making appropriations for the Consular and Diplomatic service of the Government for the year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes, approved June 4, 1878.

\* \* \* \* \*

**1411.** And the salaries provided in this act for the officers within named respectively shall be in full for the annual salaries thereof from and after the first day of July, eighteen hundred and seventy-eight; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

\* \* \* \* \*

AN ACT to amend section forty-one hundred and twenty-seven of the Revised Statutes of the United States, in relation to the judicial powers and functions of Consuls, approved June 14, 1878.

**1412.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section forty-one hundred and twenty-seven of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall hereafter read as follows:

SEC. 4127. The provisions of this Title, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, Muscat, and the Samoan or Navigator Islands, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties and of the provisions of this Title by the Consuls appointed by the United States to reside therein, who are hereby ex-officio invested with the powers herein delegated to the Ministers and Consuls of the United States appointed to reside in the countries named in section four thousand and eighty-three, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations. And whenever the United States shall negotiate a treaty with any foreign government, in which the American Consul-General or Consul shall be clothed with judicial authority, and securing the right of trial to American citizens residing therein before such Consul-General or Consul, and containing provisions similar to or like those contained in the treaties with the governments named in this act, then said Title, so far as the same may be applicable, shall have full force in reference to said treaty, and shall extend to the country of the government negotiating the same.

AN ACT making appropriations for the Consular and Diplomatic service of the Government for the year ending June thirtieth, eighteen hundred and eighty, and for other purposes, approved January 27, 1879.

\* \* \* \* \*

**1413.** For expenses of shipping and discharging seamen at Liverpool, London, Cardiff, Belfast, and Hamburg, to be allotted as may seem proper to the Secretary of State, six thousand dollars: *Provided,* That the fees collected at these ports for shipping and discharging seamen shall be paid into the Treasury as required by law.

AN ACT to amend the laws relating to internal revenue, approved March 3, 1879.

\* \* \* \* \*

**1414.** SEC. 20. That under such regulations and requirements as to stamps, bonds, and other security as shall be prescribed by the Commissioner of Internal Revenue, any manufacturer of perfumery, medicines, or preparations for export, manufacturing the same in a duly constituted manufacturing warehouse, shall be authorized to withdraw, in original packages from any distillery warehouse, so much alcohol as he may require for the said purpose, without the payment of the internal revenue tax thereon.

\* \* \* \* \*

AN ACT making appropriations for the Consular and Diplomatic service of the Government for the year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes, approved May 14, 1880.

\* \* \* \* \*

**1415.** For a Diplomatic Agent and Consul-General at Bucharest, four thousand dollars.

\* \* \* \* \*

For allowance for clerks at consulates, fifty-six thousand six hundred dollars, as follows:

For the Consul at Liverpool, a sum not exceeding the rate of two thousand five hundred dollars for any one year; and for the Consuls-General at London, Paris, Havana, Shaoghai, and Rio de Janeiro, each a sum not exceeding the rate of two thousand dollars for any one year; for the Consuls-General at Berlin, Frankfort, Vienna, and Kanagawa, and for the Consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, and Chemnitz, each a sum not exceeding the rate of one thousand five hundred dollars for any one year; for the Consul-General at Montreal, and the Consuls at Bradford and Birmingham, each a sum not exceeding the rate of one thousand two hundred dollars for any one year; for the Consuls-General at Calcutta and Melbourn, and for the Consuls at Leipsic, Sheffield; Sonneberg, Dresden, Marseilles, Nuremberg, Tuustall, Antwerp, Bordeaux, Colon (Aspinwall), Glasgow, and Singapore, each a sum not exceeding the rate of one thousand dollars for any one year; for the Consuls at Belfast, Barmen, Leith, Dundee, and Matamoras, each a sum not exceeding the rate of eight hundred dollars for any one year; for the Consul-General at Mexico, and for the Consuls at Beirut, Naples, Stuttgart, Florence, Mannheim, Prague, Zurich, Panama, and Demerara, each a sum not exceeding the rate of six hundred dollars for any one year: *Provided*, That the total sum expended in any one year shall not exceed the amount herein appropriated.

AN ACT to amend sections thirty-three hundred and eighty-five and thirty-three hundred and fifty-seven of the Revised Statutes of the United States, approved June 9, 1880.

**1416.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section thirty-three

hundred and eighty-five of the Revised Statutes of the United States be amended by striking out all of said section after the word "shipment" where it occurs in the twenty-seventh line, and insert in lieu of the part stricken out the following:

"Upon the presentation to the collector of internal revenue of a detailed report from the inspector of customs, and a certificate from the collector of customs at the port from which the goods are to be exported, that the goods removed from the manufactory under bond, and described in the permit of the collector of internal revenue, have been received by the said collector of customs, and that said goods were duly laden on board of a foreign-bound vessel, naming the vessel, and the said merchandise was entered on the outward-manifest of said vessel, and that said vessel and cargo were duly cleared from said port, and on the payment of the tax on deficiency, if any, the bonds which have been, or shall hereafter be, required to be given under the provisions of this section, shall be canceled.

Every person who, with the intent to defraud the revenue laws of the United States, relands or causes to be relanded, within the jurisdiction of the United States, any manufactured tobacco, snuff, or cigars which have been shipped for exportation under the provisions of this act, without properly entering such tobacco, snuff, or cigars at a custom-house, and paying the proper customs and internal revenue taxes thereon, or who receives such relanded tobacco, snuff, or cigars, and every person who aids or abets in such relanding or receiving of such tobacco, snuff, or cigars, shall, on conviction, be fined not exceeding five thousand dollars or imprisoned not more than three years; and all tobacco, snuff, or cigars so relanded shall be forfeited to the United States."

**1417.** SEC. 2. That section thirty-three hundred and fifty-seven of the Revised Statutes of the United States be amended and re-enacted so as to read as follows:

"Every collector shall keep a record in a book or books provided for the purpose, to be open to the inspection of any person, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory. And he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns. And he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not be thereafter changed, except for reasons satisfactory to himself and approved by the Commissioner of Internal Revenue."

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AN ACT to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880.

**1418.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when any merchandise, other than explosive articles, and articles in bulk not provided for in section four of this act, imported at the ports of New York, Philadelphia, Boston, Baltimore, Portland and Bath, in Maine, Chicago, Port Huron, Detroit, New Orleans, Norfolk, Charleston, Savannah, Mobile,

Galveston, Pensacola, Florida, Cleveland, Toledo, and San Francisco, shall appear by the invoice or bill of lading and manifest of the importing vessel to be consigned to and destined for either of the ports specified in the seventh section of this act, the collector at the port of arrival shall allow the said merchandise to be shipped immediately after the entry prescribed in section two of this act has been made.

**1419.** SEC. 2. That the collector at the port of first arrival shall retain in his office a permanent record of such merchandise so to be forwarded to the port of destination, and such record shall consist of a copy of the invoice and an entry whereon the duties shall be estimated as closely as possible on the merchandise so shipped, but no oaths shall be required on the said entry. Such merchandise shall not be subject to appraisement and liquidation of duties at the port of first arrival, but shall undergo such examination as the Secretary of the Treasury shall deem necessary to verify the invoice; and the same examination and appraisement thereof shall be required and had at the port of destination as would have been required at the port of first arrival if such merchandise had been entered for consumption or warehouse at such port.

**1420.** SEC. 3. That such merchandise shall be delivered to and transported by common carriers, to be designated for this purpose by the Secretary of the Treasury, and to and by none others; and such carriers shall be responsible to the United States as common carriers for the safe delivery of such merchandise to the collector at the port of its destination; and before any such carriers shall be permitted to receive and transport any such merchandise, they shall become bound to the United States in bonds of such form and amount, and with such conditions, not inconsistent with law, and such security as the Secretary of the Treasury shall require.

**1421.** SEC. 4. That sections twenty-eight hundred and fifty-three and twenty-eight hundred and fifty-five of the Revised Statutes of the United States be, and the same are hereby, so amended as to require that all invoices of merchandise imported from any foreign country and intended to be transported without appraisement to any of the ports mentioned in the seventh section of this act, shall be made in quadruplicate; and that the Consul, Vice-Consul, or Commercial Agent, to whom the same shall be produced, shall certify each of said quadruplicates under his hand and official seal in the manner required by section twenty-eight hundred and fifty-five of the Revised Statutes, and shall then deliver to the person producing the same two of the quadruplicates, one to be used in making entry at the port of first arrival of the merchandise in the United States, and one to be used in making entry at the port of destination, file another in his office, there to be carefully preserved and as soon as practicable transmit the remaining one to the collector or surveyor of the port of final destination of the merchandise: *Provided, however, That* no additional fee shall be collected on account of any service performed under the requirements of this section.

**1422.** SEC. 5. That merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs; and merchandise may also be transported under the provisions of this act by express companies, on passenger trains, in safes and trunks,

which shall be of such size, character, and description, and secured in such manner as shall be from time to time prescribed by the Secretary, and in cases where merchandise shall be imported in boxes or packages too large to be included within the safes or trunks so prescribed, such merchandise may be transported, under the provisions of this act, by such express companies, in a separate compartment of the car, secured in such manner as shall from time to time be prescribed by the Secretary of the Treasury; and merchandise such as pig-iron, spiegel-iron, scrap-iron, iron ore, railroad-iron, and similar articles commonly transported upon platform or flat cars, may be transported, under the provisions of this act, upon such platform or flat cars, and the weight of such merchandise so transported shall be ascertained in all cases before shipment, and ordinary railroad-scales may be used for such purpose; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train at the discretion of the Secretary of the Treasury, and at the expense of the companies, respectively. Such merchandise shall not be unladen or transhipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, or from accidents, or from legal intervention, or when by reason of the length of the route the cars, after due inspection by customs officers, shall be considered unsafe or unsuitable to proceed further, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise.

**1423.** SEC. 6. That merchandise so destined for immediate transportation shall be transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle in which the same is to be transported to its final destination.

**1424.** SEC. 7. That the privilege of immediate transportation shall extend to the ports of New York and Buffalo, in New York; Burlington, in Vermont; Boston, in Massachusetts; Providence and Newport, in Rhode Island; New Haven, Middletown, and Hartford, in Connecticut; Philadelphia and Pittsburgh, in Pennsylvania; Baltimore, Crisfield, and Annapolis, in Maryland; Wilmington and Seaford, in Delaware; Salem, Massachusetts; Georgetown, in the District of Columbia; Norfolk, Richmond, and Petersburg, in Virginia; Wilmington and Newberne, in North Carolina; Charleston and Port Royal, in South Carolina; Savannah and Brunswick, in Georgia; New Orleans, in Louisiana; Portland and Bath, in Maine; Portsmouth, in New Hampshire; Chicago, Cairo, Alton, and Quincy, in Illinois; Detroit, Port Huron, and Grand Haven, in Michigan; Saint Louis, Kansas City, and Saint Joseph, in Missouri; Saint Paul, in Minnesota; Cincinnati, Cleveland, and Toledo, in Ohio; Milwaukee and La Crosse, in Wisconsin; Louisville, in Kentucky; San Francisco, San Diego, and Wilmington, in California; Portland, in Oregon; Memphis, Nashville, and Knoxville, in Tennessee; Mobile, in Alabama; and Evansville, in Indiana; and Galveston, Houston, Brownsville, Corpus Christi, and Indianola, in Texas; Omaha, in Nebraska; Dubuque, Burlington, and Keokuk, in Iowa; Leavenworth, in Kansas; Tampa Bay, Fernandina, Jacksonville, Cedar Keys, Key West, and Apalachicola, in Florida: *Provided*, That the privilege of transportation herein conferred shall not ex-

tend to any place at which there are not the necessary officers for the appraisement of merchandise and the collection of duties.

**1425.** SEC. 8. That sections twenty-nine hundred and ninety, twenty-nine hundred and ninety-one, twenty-nine hundred and ninety-two, twenty-nine hundred and ninety-three, twenty-nine hundred and ninety-four, twenty-nine hundred and ninety-five, twenty-nine hundred and ninety-six, and twenty-nine hundred and ninety-seven of the Revised Statutes be, and the same are hereby, repealed.

**1426.** SEC. 9. That no merchandise shall be shipped under the provisions of this act after such merchandise shall have been landed ten days from the importing vessel, and merchandise not entered within such time shall be sent to a bonded warehouse by the collector as unclaimed, and held until regularly entered and appraised.

**1427.** SEC. 10. That section twenty-nine hundred and eighty-one of the Revised Statutes be amended so as to read as follows: That whenever the proper officer of the customs shall be duly notified in writing of the existence of a lien for freight upon imported goods, wares, or merchandise in his custody, he shall, before delivering such goods, wares, or merchandise to the importer, owner, or consignee thereof, give reasonable notice to the party or parties claiming the lien; and the possession by the officers of customs shall not affect the discharge of such lien, under such regulations as the Secretary of the Treasury may prescribe; and such officer may refuse the delivery of such merchandise from any public or bonded warehouse or other place in which the same shall be deposited, until proof to his satisfaction shall be produced that the freight thereon has been paid or secured; but the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver. If merchandise so subject to a lien regarding which notice has been filed, shall be forfeited to the United States and sold, the freight due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses authorized by law to be paid therefrom are paid.

**1428.** SEC. 11. That this act shall take effect and be in force from and after the first day of July, anno Domini eighteen hundred and eighty.

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AN ACT to amend an act entitled "An Act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 14, 1880.

**1429.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the act entitled "An Act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June tenth, eighteen hundred and eighty, the words "section four" where they occur in the first section of the act, be changed to "section five."

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AN ACT making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-one, and for other purposes, approved June 16, 1880.

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**1430.** That the sum of fourteen thousand three hundred dollars be, and hereby is, appropriated, out of any money in the Treasury not other-

wise appropriated, for printing and distributing more frequently the publications by the Department of State of the Consular and other commercial reports, including circular letters to chambers of commerce, seven thousand dollars: *Provided*, That such publications may be sold at such rates as may be fixed by said department, and the proceeds of all sales to be paid into the Treasury; and seven thousand three hundred dollars of said amount is hereby appropriated for the clerical hire necessary for the competent administration of this whole branch of the public service in the collection, analyzing, publication, and distribution of commercial information under the Department of State; two thousand one hundred dollars for chief clerk; one thousand eight hundred dollars for one clerk; one thousand four hundred dollars for one clerk, and two thousand dollars for two additional clerks.





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APPENDIX N<sup>o</sup>. IV.

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CIRCULARS TO CONSULAR OFFICERS, NOT EMBODIED IN THE FOREGOING INSTRUCTIONS.

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# CIRCULARS TO CONSULAR OFFICERS, NOT EMBODIED IN THE FOREGOING INSTRUCTIONS.

[Circular No. 18.]

*Concerning the laws in force in the United States respecting the age at which persons attain their majority.*

DEPARTMENT OF STATE,  
Washington, February 16, 1872.

*To the Diplomatic and Consular Officers of the United States:*

GENTLEMEN: Occasions having arisen in which it was found desirable for the Diplomatic and Consular Officers of the United States to possess authentic information concerning the laws in force in the several States and Territories of the United States as to the age at which males and females, whether unmarried or married, attain their majority, the Department, some time since, addressed a circular letter to the executives of the several States and Territories, from which the following information has been extracted:

## STATES.

*Alabama.*—Males under 17 years, and females under the age of 14, cannot contract marriage. Both males and females attain their majority at 21 years of age.

*Arkansas.*—Males at the age of 21 years, and females at 18, attain their majority.

*California.*—Males attain their majority at the age of 21 years, and females at 18.

*Connecticut.*—Males and females, unmarried or married, attain their majority at 21 years of age.

*Delaware.*—Males attain their majority at 21 years of age, females at 21 or marriage.

*Florida.*—Males and females, married or unmarried, attain their majority at 21 years of age.

*Georgia.*—Males and females, married or unmarried, attain their majority at 21 years of age.

*Illinois.*—Males attain their majority at 21 years of age, and females at 18.

*Indiana.*—Males and females, married or unmarried, attain their majority at 21 years of age.

*Iowa.*—The period of minority extends in males to the age of 21 years, and in females to 18, but all minors attain their majority by marriage.

*Kansas.*—Males attain their majority at 21 years of age, and females at 18, whether married or unmarried.

*Maine.*—Males attain their majority at 21 years of age, and females, for the purpose of marriage, at 18, and for all other purposes at 21.

*Maryland.*—Males attain their majority at 21 years of age, and females at 18.

*Massachusetts.*—Males and females attain their majority, whether married or unmarried, at 21 years of age.

*Michigan.*—Males and females attain their majority at 21 years of age. (The age, however, so far as relates to females, is established rather by implication than direct averment of statute.)

*Minnesota.*—Males attain their majority at 21 years of age, and females at 18. (Males, however, are qualified under the law to contract marriage at 18, and females at 15.)

*Missouri.*—Males attain their majority at 21 years of age, and females at 18.

*Mississippi.*—Males and females attain their majority, whether married or unmarried, at 21 years of age. Females are allowed to marry without consent of parents or guardian at 18.

*Kentucky.*—Males attain their majority at 21 years of age, females at 18. (Males can marry at 18, and females at 14.)

*Louisiana.*—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 14, and females at 12.)

*New Hampshire.*—Males attain their majority at 21 years of age, and females at 18.

*New Jersey.*—Males and females attain their majority at 21 years of age. (Females can marry without consent of parents or guardian at 18.)

*New York.*—Males and females attain their majority, whether married or unmarried, at 21 years of age. (Males may dispose of personal estate, by will, at 18 and upward, and females at 16. Marriage of females under 14, without consent of parents or guardian, may be declared void by the courts.)

*North Carolina.*—Males or females attain their majority, whether married or unmarried, at 21 years of age.

*Nebraska.*—Males attain their majority at 21 years of age; females, married, at 16; unmarried, at 18.

*Nevada.*—Males attain their majority at 21 years of age, and females at 18.

*Ohio.*—Males attain their majority, whether married or unmarried, at 21 years, and females at 18.

*Oregon.*—Males attain their majority at 21 years of age, and females at 18 or on their marriage.

*Pennsylvania.*—Males and females attain their majority at 21 years of age. (In cases of apprenticeship the male, under the law, is released at 21, and the female at 18.)

*Rhode Island.*—Males and females, married or unmarried, attain their majority at 21 years of age. (But both male and female may make a will of their personal property at 18.)

*South Carolina.*—Males and females, married or unmarried, attain their majority at 21 years of age.

*Tennessee.*—Males and females, married or unmarried, attain their majority at 21 years of age.

*Texas.*—Males or females attain their majority at 21 years of age. (Minor female upon marriage becomes of full age)

*Vermont.*—Males attain their majority at 21 years of age, and females at 18.

*Virginia.*—Males and females attain their majority, married or unmarried, at 21 years of age.

*West Virginia.*—Males and females attain their majority at 21 years of age. (Minors 18 years of age and upward may dispose of personal property by will. No marriage can be solemnized between parties, either of whom is under 21 years of age, unless with the consent of father, guardian, or mother.)

*Wisconsin.*—Males attain their majority at 21 years of age, and females at 18. (Marriage of a minor does not affect the state of majority.)

## TERRITORIES.

*Colorado.*—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 16 and females at 14.)

*Dakota.*—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 16 and females at 14.)

*Idaho.*—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 16 and females at 14.)

*Montana.*—Males attain their majority at 21 years of age, and females at 18. (Males can marry at 18; no age fixed for females.)

*New Mexico.*—Males attain their majority at 21 years of age, and females at 18. (Males must be 21 years of age to marry without consent of parents, but no age fixed for females.)

*Utah.*—Males attain their majority at 21 years of age, and females at 18. (A minor may make contract for personal services.)

*Washington.*—Males attain their majority at 21 years of age, and females at 18. (All females married to a person of full age shall be deemed and taken to be of full age. Males and females under age must have consent of parents or guardian to marry.)

I am, gentlemen, your obedient servant,

HAMILTON FISH.

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[Circular No. 21.]

*Concerning the laws of the United States respecting the taking of testimony by letters rogatory.*

DEPARTMENT OF STATE,  
Washington, April 15, 1872.

*To the Diplomatic and Consular Officers of the United States:*

Letters rogatory for the purpose of taking the testimony of persons residing in the United States, which may be material in suits pending in the courts of foreign countries, are frequently sent to this Department, usually with a note from the Minister for Foreign Affairs of the foreign country or from its Diplomatic Representative here, requesting that the business may be attended to. It is not, however, the province of the Department of State to dispose of matters of this kind. Frequently wit-

nesses whose testimony is sought reside in places far from this city, rendering it impracticable to have the testimony taken within the time at which it is required in order to make it available.

It is, therefore, deemed advisable to issue this circular, to which are appended the acts of Congress regulating the taking of testimony in such cases. Other information upon the subject, which will be found useful to persons interested, is contained in the following

#### DIRECTIONS.

The circuit courts of the United States are held in each of the States; and, at the points in each State where the circuit court is held, there is established permanently a clerk's office, so that in addressing a communication to that tribunal, the proper form would be "To the circuit court of the United States for the State of \_\_\_\_\_."

United States courts are held in Maine, at Portland; in New Hampshire, at Portsmouth and Exeter; in Massachusetts, at Boston; in Rhode Island, at Newport and Providence; in Vermont, at Windsor and Rutland; in Connecticut, at New Haven; in New York, at Canandaigua, Albany, Utica, and the cities of New York and Brooklyn; in New Jersey, at Trenton; in Pennsylvania, at Philadelphia and Pittsburgh; in Delaware, at New Castle; in Maryland, at Baltimore; in West Virginia, at Lewisburgh; in Virginia, at Norfolk; in North Carolina, at Raleigh; in South Carolina, at Charleston; in Georgia, at Atlanta and Savannah; in Florida, at Apalachicola, Tallahassee, Saint Augustine, and Pensacola; in Alabama, at Mobile; in Louisiana, at New Orleans; in Mississippi, at Jackson; in Texas, at Galveston, Brownsville, Austin, and Tyler; in Ohio, at Cleveland and Cincinnati; in Michigan, at Detroit and Grand Rapids; in Kentucky, at Frankfort, Covington, Louisville, and Paducah; in Tennessee, at Knoxville, Nashville, and Memphis; in Indiana, at Indianapolis; in Illinois, at Chicago and Springfield; in Wisconsin, at Milwaukee and Madison; in Minnesota, at Saint Paul; in Iowa, at Des Moines; in Missouri, at Saint Louis and Jefferson City; in Kansas, at Topeka; in Arkansas, at Little Rock; in California, at San Francisco; in Oregon, at Portland; in Nevada, at Carson City.

There is also at least one district court in each State. In many of the States there are two; and in some three. When a State is composed of two districts, they are in some States called northern and southern; in others eastern and western; in one northern, southern, and eastern; in another northern, middle, and southern; and in another eastern, middle, and western.

The clerks of these courts, respectively, are authorized by the laws of the United States to take depositions, and may, with propriety, be designated as commissioners for that purpose in letters rogatory, which, when returned, are to be used in the courts of foreign countries. The letters rogatory may be addressed to the judge of either the circuit court of the United States for the State of \_\_\_\_\_, or the district court of the United States for the district of \_\_\_\_\_ (naming the State), praying the judge of that court to name and appoint the commissioner, or such letters may be addressed to the commissioner directly.

The letter or package should in all cases be directed to the clerk of the district or circuit court to which the letters rogatory are addressed. The clerk's office is at the place where the court holds its sessions.

I am your obedient servant,

HAMILTON FISH.

AN ACT to facilitate the taking of depositions within the United States, to be used in the courts of other countries, and for other purposes. Approved March 3, 1863.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest, may be obtained to be used in such suit. If a commission or letters rogatory to take such testimony shall have been issued from the court in which said suit is pending, on producing the same before the district judge of any district where said witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness, requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. Such summons shall specify the time and place at which such witness is required to attend, which place shall be within one hundred miles of the place where said witness resides or shall be served with said summons.

SEC. 2. *And be it further enacted,* That if any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with this act, or if, upon his appearance, he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States.

SEC. 3. *And be it further enacted,* That every witness who shall appear and testify, in manner aforesaid, shall be allowed and shall receive from the party at whose instance he shall have been summoned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States.

SEC. 4. *And be it further enacted,* That whenever any commission or letters rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, shall have been executed by the court or the commissioner to whom the same shall have been directed, the same shall be returned by such court or commissioner to the Minister or Consul of the United States nearest the place where said letters or commission shall have been executed, who, on receiving the same, shall indorse thereon a certificate, stating the time and place, when and where the same was received; and that the said deposition is in the same condition as when he received the same; and he shall thereupon transmit the said letters or commission, so executed and certified, by mail to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to

the Government. And the testimony of witnesses so, as aforesaid, taken and returned, shall be read as evidence on the trial of the suit in which the same shall have been taken, without objection as to the method of returning the same.

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AN ACT to prevent mis-trials in the district and circuit courts of the United States, in certain cases. Approved March 2, 1855.

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SEC. 2. *And be it further enacted,* That where letters rogatory shall have be [been] addressed from any court of a foreign country to any circuit court of the United States, and a United States commissioner designated by said circuit court to make the examination of witnesses in said letters mentioned, said commissioner shall be empowered to compel the witnesses to appear and depose in the same manner as to appear and testify in court.

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[Circular No. 39.]

*Concerning the laws in force in the United States respecting births and marriages.*

DEPARTMENT OF STATE,  
Washington, February 16, 1872.

*To the Diplomatic and Consular Officers of the United States:*

GENTLEMEN: Occasions having arisen in which it was found desirable for the Diplomatic and Consular Officers of the United States to possess authentic information concerning the laws in force in the several States and Territories of the United States in relation to births and marriages, the Department has collected from the laws of the several States and Territories the following information on the subject:

STATES.

*Alabama.*—There must be a license to marry from the judge of probate; certificate of the marriage returned to him and recorded in his office. No registry of births.

*Arkansas.*—No license; but the person solemnizing must return a certificate to the clerk of the court for the county, who shall record it. No registry of births.

*California.*—No license required; but persons solemnizing must keep a record and transmit it to the county recorder, who shall record it. No registry of births.

*Connecticut.*—License must be had from town clerk; certificate returned to town registrar, and by him recorded. No registry of births.

*Delaware.*—A marriage license must be had, or bans published in church. Persons solemnizing must keep a record, and once a year transmit copy to recorder of county, who records it. No registry of births.



*Florida.*—License for marriage to be issued by clerk of county; certificate of, returned to him, and he records it. No registry of births.

*Georgia.*—License for marriage issued by ordinary of the county; certificate returned to him and he records it. No registry of births.

*Illinois.*—Bans must be published two weeks in church, or license obtained from county clerk; in either case certificate to be returned to him by party solemnizing, and by the clerk recorded. No registry of births.

*Indiana.*—No license required; but certificate of, must be returned to county clerk, and by him recorded. No registry of births.

*Iowa.*—License must be had from the county clerk, and party solemnizing must return certificate to clerk, who records it. No registry of births.

*Kansas.*—No license is required; but certificate to be returned to the county clerk by the person solemnizing, and to be recorded by the clerk. No registry of births.

*Kentucky.*—There must be a license, or publication notice, filed in clerk's office; certificate to be returned to the registrar of births, deaths, and marriages, who is to record it. While there is provided in this State a mode of registering births, as there is no provision requiring parents to report births, the law is to a great extent a dead letter.

*Louisiana.*—The parish judge issues a license, and the certificate is returned to that officer, and he records it. No registry of births.

*Maine.*—The town clerk issues license, or publication of bans in church; the party solemnizing the marriage keeps record, and makes return to the town clerk within a year; clerk records it. No registry of births.

*Maryland.*—The clerk of orphans' court issues license; the certificate is returned to him, and he records it. No registry of births.

*Massachusetts.*—Parties intending to marry must file notice with the clerk, after which he issues licenses; and certificate is returned to the town registrar, who records it. Inhabitants of this State going out of the State to marry, in order to evade law, marriage declared void. No registry of births.

*Michigan.*—License issued by county clerk, and certificate returned to him; clerk records it. No registry of births.

*Minnesota.*—No license; but the minister or magistrate who performs ceremony must examine one of the parties, on oath, as to whether the proposed marriage is such as the law allows; certificate of oath and marriage returned to the county clerk for record. No registry of births.

*Missouri.*—License by clerk, and certificate returned to him for record. No registry of births.

*Mississippi.*—License issued by registrar of orphans' court, and certificate returned to him for record. No registry of births.

*New Hampshire.*—The intention to marry must be published at three meetings, either religious or town meetings; certificate of town clerk of such publication is the license; it is returned to him and recorded. No registry of births.

*New Jersey.*—No license is required; but certificate of marriage to be returned to town clerk, and by him recorded. No registry of births.

*New York.*—No license is required; but certificate of marriage must be returned to the registrar of births, marriages, and deaths; provision is also made for the return of all births, but not generally enforced.

*North Carolina.*—License to be issued by county judge or clerk, and certificate returned to clerk, who records it. No registry of births.

*Nebraska.*—Judge of probate issues license, and certificate is returned to that officer, and he records it. No registry of births.

*Nevada.*—No license required; certificate returned to county clerk, who records it. No registry of births.

*Ohio.*—Bans may be published in church, or a license from clerk of county court, to whom, in either case, certificate is returned for record. No registry of births.

*Oregon.*—No license is required; but certificate returned for record to recorder of the county court. No registry of births.

*Pennsylvania.*—No license required; but the person solemnizing the marriage must keep record. No registry of births.

*Rhode Island.*—No license required; but return must be made by person solemnizing marriage to town clerk for record. No registry of births.

*South Carolina.*—License from the clerk of the county court, and return made to him for record. No registry of births.

*Tennessee.*—License from clerk of county court, and return of certificate to him for record. No registry of births.

*Texas.*—License from clerk of probate court, and return of certificate to him for record. No registry of births.

*Vermont.*—Publication in either church or town meeting; certificate returned to town clerk for record. No birth registry.

*Virginia.*—License from county court, and return of certificate to court for record. No registry of births.

*West Virginia.*—License from clerk of county court; certificate returned to that officer for record. No registry of births.

*Wisconsin.*—Person solemnizing to examine one of the parties, on oath; to make certificate and return the same to the county clerk for record.

#### TERRITORIES.

*Colorado.*—No marriage license required; but certificate to be returned by the party solemnizing to the clerk of the county for record. No registry of births. In this Territory, if a man dies without a will or issue, all his property, real and personal, goes to his widow.

*Dakota.*—No marriage license required, and no record kept. Judges, justices of the peace, and ministers of the gospel may solemnize. No registry of births.

*Idaho.*—No license required; but party solemnizing must, within three months, return certificate of, to county recorder for record. No registry of births.

*Utah.*—No license required, and no registry of either marriages or births.

*Washington.*—No license required; but certificate to be returned by the party solemnizing to the county recorder for record. No birth registry.

*New Mexico.*—No license required, and no registry of marriages or births.

I am, gentlemen, your obedient servant,

HAMILTON FISH.

NOTE.—In the several States and Territories penalties are imposed by the statutes for a failure to comply with the requirements as to license or return of the certificate—in some cases against the parties to the contract, in other cases against the party solemnizing the marriage, and in some instances against all parties; but in none of the States or Territories is the marriage null and void because of a non-compliance with the requirements of the statute.



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**APPENDIX N<sup>o</sup>. V.**

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**LIST OF CONSULATES-GENERAL, CONSULATES,  
AND COMMERCIAL AGENCIES.**

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# LIST OF CONSULATES-GENERAL, CONSULATES, AND COMMERCIAL AGENCIES.

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The statutes of the United States classify the Consulates-General, Consulates, and Commercial Agencies into three classes: 1. Those embraced in a schedule known as Schedule B, the incumbents of which receive a fixed salary, and are not allowed to transact business. 2. Those embraced in a schedule known as Schedule C, the incumbents of which receive a fixed salary, and are allowed to transact business. 3. All other Consulates, the incumbents of which are compensated by the fees collected in their offices, and are allowed to transact business. The classification is as follows:

## SCHEDULE B.

### *Agency and Consulate-General.*

Cairo.

### *Consulates-General.*

Berlin.  
Bucharest.  
Calcutta.  
Constantinople.  
Frankfort.  
Halifax.

Havana.  
Kanagawa.  
London.  
Melbourne.  
Mexico.  
Montreal.

Paris.  
Rio de Janeiro.  
Rome.  
Saint Petersburg.  
Shanghai.  
Vienna.

### *Consulates.*

Liverpool, \$6,000.

CLASS I.—\$4,000.

Hong-Kong.

Honolulu.

CLASS II.—\$3,500.

Amoy.  
Callao.  
Canton.

Chinkiang.  
Foochow.  
Hankow.

Ningpo.  
Tien-Tsin.

## CLASS III.—\$3,000.

Bangkok.  
Bradford.  
Buenos Ayres.  
Demerara.  
Glasgow.  
Havre.

Manchester.  
Matanzas.  
Nagasaki.  
Osaka and Hiogo.  
Panama.

Tangier.  
Tripoli.  
Tunis.  
Valparaiso.  
Vera Cruz.

## CLASS IV.—\$2,500.

Antwerp.  
Belfast.  
Birmingham.  
Bordeaux.  
Bremen.  
Brussels.

Cienfuegos.  
Dresden.  
Hamburg.  
Lyons.  
Marseilles.

Saint Thomas.  
Santiago de Cuba.  
Sheffield.  
Singapore.  
Tunstall.

## CLASS V.—\$2,000.

Acapulco.  
Barmen.  
Basle.  
Beirut.  
Cardiff.  
Chemnitz.  
Coaticook.  
Cologne.  
Cork.  
Dublin.  
Dundee.  
Hamilton, Canada.

Kingston, Jamaica.  
Leeds.  
Leipsic.  
Leith.  
Lisbon.  
Matamoros.  
Montevideo.  
Nassau.  
Nuremberg.  
Odessa.  
Pernambuco.

Port Louis (Mauritius).  
Prague.  
Rotterdam.  
Saint John's, N. B.  
San Juan, Porto Rico.  
Smyrna.  
Sonneberg.  
Tamatave.  
Toronto.  
Trieste.  
Zurich.

## CLASS VI.—\$1,500.

Amsterdam.  
Auckland.  
Bahia.  
Barbadoes.  
Barcelona.  
Bermuda.  
Bristol.  
Cadiz.  
Cape Town.  
Charlottetown, P. E. I.  
Clifton.  
Copenhagen.  
Fayal.  
Florence.  
Fort Erie.  
Funchal.

Geneva.  
Genea.  
Gibraltar.  
Jerusalem.  
Kingston, Canada.  
La Guayra.  
Leghorn.  
Mahé.  
Malaga.  
Mannheim.  
Martinique.  
Messina.  
Munich.  
Naples.  
Newcastle.

Nice.  
Palermo.  
Picton, Nova Scotia.  
Port Sarnia.  
Port Stanley, F. I.  
Prescott.  
Quebec.  
Saint Helena.  
Saint John's, Canada.  
San Domingo.  
Stuttgart.  
Tampico.  
Verviers.  
Windsor, Canada.  
Winnipeg.



## SCHEDULE C.

CLASS VII.—\$1,000.

Apia.  
Batavia.  
Cape Haytien.  
Ceylon.  
Gaspé Basin.  
Guayaquil.  
Guymas.

Nantes.  
Para.  
Rio Grande del Sul.  
Ruatan and Truxillo.  
Sabanilla.  
Santiago, C. V. I.  
Southampton.

Stettin.  
Tahiti.  
Talcahuano.  
Venice.  
Windsor, Nova Scotia.  
Zanzibar.

*Commercial Agencies.*

## SCHEDULE B.

Aspinwall.

| Goderich.

| San Juan del Norte.

## SCHEDULE C.

Leonka.

| Saint Paul de Loando.

*Feed Consulates.*

Aden.  
Aix la Chapelle.  
Alicante.  
Amapala.  
Antigua.  
Archangel.  
Bathurst.  
Belleville.  
Bergen.  
Bogota.  
Bombay.  
Breslau.  
Brunswick.  
Carrara.  
Carthagena, Spain.  
Cayenne.  
Chihuahua.  
Christiana.  
Ciudad Bolivar.  
Colonia.  
Coquimbo.  
Cordoba.  
Corunna.  
Crefeld.  
Curaçoa.  
Denia.  
Falmouth.  
Galatz.  
Geestemunde.  
Ghent.

Göthenburg.  
Guadeloupe.  
Guatemala.  
Guerrero.  
Helsingfors.  
Hobart Town.  
Iloilo.  
Iquique.  
Lambayeque.  
La Paz, Mexico.  
La Rochelle.  
La Union.  
Londonderry.  
Malta.  
Manila.  
Manzanillo, Mexico.  
Mazatlan.  
Merida.  
Milan.  
Monterey.  
Moscow.  
Muscat.  
New Chwang.  
Nuevo Laredo.  
Padang.  
Paramaribo.  
Paso del Norte.  
Patras.  
Pesth.  
Piedras Negras.

Plymouth.  
Puerto Cabello.  
Rheims.  
Rio Hacha.  
Rosario.  
Rouen.  
Saint John's, New-  
foundland.  
Saint Martin.  
Saltillo.  
San Blas.  
San José, Costa Rica.  
San José and Cape  
Saint Lucas.  
Santander.  
Santos.  
Sierra Leone.  
Sonsonate.  
Stockholm.  
Swatow.  
Sydney.  
Teneriffe.  
Trinidad.  
Turin.  
Turk's Island.  
Tuxpau.  
Victoria.  
Warsaw.  
Zacatecas.

*Feed Commercial Agencies.*

Alleppy.	Manaõs.	Saint Denis.
Algiers.	Maracaibo.	Saint Etienne.
Baracoa.	Mayaguez.	Saint Galle.
Belize.	Medellin.	Saint Georges.
Buenaventura.	Nottingham.	Saint Marc.
Cardenas.	Ottawa.	Saint Pierre, Miquelon.
Cartagena, U. S. C.	Pago Pago.	Samana.
Castellamare.	Ponce.	San Juan de los Remedios.
Chatham.	Port Stanley and Saint Thomas.	San Juan del Sur.
Cobija.	Presidio del Norte.	Santa Martha.
Collingwood.	Puerto Plata.	Sherbrooke.
Dunfermline.	Sagua la Grande.	Stanbridge.
Gaboon.	Saint Bartholomew.	Tetuan.
Garrucha.	Saint Christopher.	Three Rivers.
Gloucester.		
Hull.		

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## APPENDIX No. VI.

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AN ACT TO PREVENT THE INTRODUCTION OF CONTAGIOUS OR INFECTIOUS DISEASES INTO THE UNITED STATES; AND THE RULES AND REGULATIONS PREPARED BY THE NATIONAL BOARD OF HEALTH, IN PURSUANCE THEREOF, APPROVED BY THE PRESIDENT, JUNE 26, 1879.



## AN ACT TO PREVENT THE INTRODUCTION OF CONTAGIOUS OR INFECTIOUS DISEASES INTO THE UNITED STATES, APPROVED JUNE 2, 1879.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful for any merchant ship or vessel from any foreign port where any contagious or infectious disease exists, to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations of State boards of health and all rules and regulations made in pursuance of this act; and any such vessel which shall enter, or attempt to enter, a port of the United States, in violation thereof, shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding one thousand dollars, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 2. All such vessels shall be required to obtain from the Consul, Vice-Consul, or other Consular Officer of the United States at the port of departure, or from the medical officer, where such officer has been detailed by the President for that purpose, a certificate in duplicate setting forth the sanitary history of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said Consular or Medical Officer is required, before granting such certificate, to be satisfied the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

That upon the request of the National Board of Health the President is authorized to detail a medical officer to serve in the office of the Consul at any foreign port for the purpose of making the inspection and giving the certificates hereinbefore mentioned: *Provided*, That the number of officers so detailed shall not exceed at any one time six: *Provided further*, That any vessel sailing from any such port without such certificate of said medical officer, entering any port of the United States, shall forfeit to the United States the sum of five hundred dollars, which shall be a lien upon the same to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 3. That the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another; and at such ports and places within the United States as have no quarantine regulations under State authority, where such regulations are, in the opinion of the National Board of Health, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another; and at such ports and places within the United States where quarantine regulations exist under the authority of the State, which, in the opinion of the National Board of Health, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said Board of Health to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the States, where the State authorities will undertake to execute and enforce them; but if the State authorities shall fail or refuse to enforce said rules and regulations the President may detail an officer or appoint a proper person for that purpose.

The Board of Health shall make such rules and regulations as are authorized by the laws of the United States and necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place at which contagious or infectious disease exists, to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew, and when said rules and regulations have been approved by the President they shall be published and communicated to, and enforced by, the consular officers of the United States: *Provided*, That none of the penalties herein imposed shall attach to any vessel or any owner or officer thereof, till the act and the rules and regulations made in pursuance thereof shall have been officially promulgated for at least ten days in the port from which said vessel sailed.

SEC. 4. It shall be the duty of the National Board of Health to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officers of the United States at such ports and places as shall be designated by the National Board of Health, shall make to said Board of Health weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as said Board of Health may prescribe; and the Board of Health shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States; and shall prepare, publish, and transmit to the medical officers of the Marine Hospital Service, to collectors of customs, and to

State and municipal health officers and authorities, weekly abstracts of the consular sanitary reports and other pertinent information received by said board; and shall also, as far as it may be able, by means of the voluntary co-operation of State and municipal authorities, of public associations and private persons, procure information relating to the climatic and other conditions affecting the public health; and shall make to the Secretary of the Treasury an annual report of its operations, for transmission to Congress, with such recommendations as it may deem important to the public interests; and said report, if ordered to be printed by Congress, shall be done under the direction of the board.

SEC. 5. That the National Board of Health shall, from time to time, issue to the consular officers of the United States, and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by it and approved by the President, to be used and complied with by vessels in foreign ports for securing the best sanitary condition of such vessels, their cargoes, passengers, and crews, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo, or land its passengers, except upon a certificate of the health officer at such quarantine station, certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said certificates required to be obtained at the port of departure, and the certificate herein required to be obtained from the health officer at the port of entry.

SEC. 6. That to pay the necessary expenses of placing vessels in proper sanitary condition to be incurred under the provisions of this act, the Secretary of the Treasury be, and he hereby is, authorized and required to make the necessary rules and regulations, fixing the amount of fees to be paid by vessels for such service, and the manner of collecting the same.

SEC. 7. That the President is authorized, when requested by the National Board of Health, and when the same can be done without prejudice to the public service, to detail officers from the several departments of the Government, for temporary duty, to act under the direction of said Board, to carry out the provisions of this act; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties.

SEC. 8. That to meet the expenses to be incurred in carrying out the provisions of this act, the sum of five hundred thousand dollars or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Treasury on estimates to be made by the National Board of Health, and to be approved by him. Said National Board of Health shall, as often as quarterly, make a full state-

ment of its operations and expenditures, under this act, to the Secretary of the Treasury, who shall report the same to Congress.

SEC. 9. That so much of the act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved April twenty-ninth, eighteen hundred and seventy-eight, as requires Consular Officers, or other representatives of the United States, at foreign ports, to report the sanitary condition of and the departure of vessels from such ports to the Supervising Surgeon General of the Marine Hospital Service; and so much of said act as requires the Surgeon General of the Marine Hospital Service to frame rules and regulations, and to execute said act, and to give notice to Federal and State officers of the approach of infected vessels, and furnish said officers with weekly abstracts of Consular sanitary reports, and all other acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

SEC. 10. This act shall not continue in force for a longer period than four years from the date of its approval.

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RULES AND REGULATIONS FOR SECURING THE BEST SANITARY CONDITION OF VESSELS, INCLUDING THEIR CARGOES, PASSENGERS, AND CREWS, COMING TO THE UNITED STATES FROM ANY FOREIGN PORT WHERE ANY CONTAGIOUS OR INFECTIOUS DISEASE EXISTS.

[Prepared by the National Board of Health, in accordance with the provisions of an act approved June 2, 1879, entitled "An act to prevent the introduction of infectious or contagious diseases into the United States."]

EXPLANATIONS.

1. The object of the following rules and regulations is to prevent the introduction into the United States of "contagious or infectious diseases."

2. The following diseases are recognized as "contagious or infectious diseases" for the purposes of these rules and regulations, viz: Asiatic cholera, yellow fever, plague, small-pox, and typhus fever.

3. An "infected" port or place in the sense of these rules is a port or place at which either Asiatic cholera, yellow fever, or plague exists, or at which either small-pox or typhus fever exists as an epidemic.

4. To secure the "best sanitary condition" of a vessel the following points should be observed by the owners, agents, or master of such vessel.

- A. Exclusion from the vessels, as far as possible, of persons or things known or suspected to be infected.
- B. Cleanliness of the ship, both preliminary to loading and during the voyage.
- C. Ventilation preliminary to loading, and during the voyage when possible.
- D. Disinfection, that is the destruction or removal of the causes of disease, which includes measures of cleanliness, ventilation, fumigation, &c.



## RULES AND REGULATIONS.

1. All merchant ships and vessels sailing from a foreign port where contagious or infectious disease exists, for any port in the United States, must obtain from the Consul, Vice-Consul, or other Consular Officer of the United States, at the port of departure, or from the Medical Officer—where such officer has been detailed by the President for that purpose—a bill of health in duplicate, which shall be a clean bill or a foul bill, and which shall set forth the sanitary history of said vessel, and that it has in all respects complied with these rules and regulations. A clean bill of health shall be given when neither Asiatic cholera, yellow fever, nor plague exists, and neither small-pox nor typhus fever exists as an epidemic, at the port of departure, and the condition of the vessel is satisfactory; and in such case it shall be certified that the vessel leaves the port in “free pratique.” A foul bill of health shall be given when either Asiatic cholera, yellow fever, or plague exists, and when small-pox or typhus fever exists as an epidemic at the port of departure, or where the sanitary condition of the vessel is unsatisfactory, and in such case it shall be certified that the vessel leaves the port in “quarantine.”

2. In all cases of doubt, as to whether the port is infected or as to the sanitary condition of the vessel, the bill shall be foul.

3. No vessel shall have more than one bill of health, but if she touches at other ports on the passage, that fact and the condition of those ports as to the existence of contagious or infectious disease shall be indorsed upon the original bill of health by the Consul, Vice-Consul, Consular Officer, or Medical Officer.

4. The bill of health shall be in the form appended. [Form A.]

5. Each Consul, Vice-Consul, Consular Officer, or Medical Officer of the United States in a foreign ports shall keep himself thoroughly acquainted with the sanitary condition of the port and its vicinity, especially with regard to the existence of contagious or infectious diseases, and shall, upon request of the owner, agent, or master, make, or cause to be made, an inspection of every ship or vessel bound for any port in the United States, and give the certificate or bill of health required by these regulations. Vessels carrying a foreign flag shall be inspected, when practicable, in company with the Consul or Consular Agent of the nation to which the vessel belongs.

6. The fee for such inspection shall be such as may be fixed by the Secretary of the Treasury in accordance with law.

7. The certifying officer at the port of departure shall certify whether vessels carrying passengers are provided with the means necessary for preserving good ventilation and cleanliness, in accordance with sections 4257 and 4263 of the Revised Statutes.

8. Every vessel before taking on cargo or passengers shall be clean and dry, and the certifying officer may at his discretion require that it shall be thoroughly disinfected if last from an *infected* port, or if the port of departure be itself *infected*. The examination of the vessel as to cleanliness shall be made before the cargo is taken on, and shall extend to all accessible parts, especial care being taken to note upon the bill of health the presence of decayed wood.

9. The ballast shall be of such material and from such localities as may be approved by the certifying authorities, but earth and porous stone shall not be used for ballast if avoidable.

10. Merchandise or articles known to be infected shall not be received or taken on board.

11. In case the port is *infected*, the certifying authority may require that the officers, crew, and passengers shall be examined by a medical officer or physician selected for that purpose, and the result of such examination reported to him not more than twenty-four hours before certifying to the bill of health.

12. Bills of health can be considered valid only when delivered within the twenty-four hours last preceding departure. If the departure is delayed beyond this period the bill must be *vised* by the authority delivering it, stating whatever changes have taken place in the sanitary condition of the port, vessel, officers, crew, or passengers.

13. When the port of departure or its vicinity is *infected*, that fact shall be noted in the bill of health, and when the sanitary or other local authority of the port declares the existence of such infection, the bill of health shall give the date of the declaration.

14. The existence of contagious or infectious disease in the quarantine establishment of a port shall not be considered cause for a foul bill of health.

15. Physicians attached to sea-going vessels shall be especially charged with the duty of watching their sanitary condition and the health of their officers, crew, and passengers. On arrival of the vessel they shall report to the health officer of the port the sanitary history of the voyage.

16. In case of the occurrence at sea of Asiatic cholera, yellow fever, plague, small-pox, or typhus fever, the wearing apparel and bedding used by those affected with such disease shall be burnt or sunk.

17. Captains, owners, or agents of vessels shall, at the port of departure, be required to answer, under oath, to the Consuls or sanitary officers, all questions as to the sanitary condition of the vessel, &c.

18. The crew shall not be allowed liberty on shore after nightfall in suspected localities. They shall not be allowed to sleep on deck except under awnings. The fore-castle shall be well ventilated and kept dry. Both in port and at sea the bilge shall be pumped out each morning and evening, or more frequently if necessary. The utmost cleanliness shall be observed at sea as well as in port. Each seaman should have two suits of underclothing. The clothing and bedding should be aired every clear day. In tropical climates the men should be required to wash their persons and change their underclothing every evening after work while in port, and each working suit should be washed, dried, and aired after a day's use. These regulations as to clothing, airing of bedding, and ventilation, should, as far as possible, be observed at sea as well as in port.

19. Whenever any vessel shall leave an *infected* foreign port, or having on board goods or passengers coming from any place or district infected with Asiatic cholera, yellow fever, or plague, shall leave any foreign port, bound for any port in the United States, the Consul, Consular Officer, or other representative of the United States, at or near such port, shall immediately give information thereof by telegraph to the National Board of Health at Washington, D. C., reporting the name, date of departure, and

port of destination of such vessel. The cost of such telegrams will be paid by the National Board of Health.

20. All merchant ships or vessels from any foreign port, where any contagious or infectious disease exists, and bound for any port of the United States, must present to the health officer at the quarantine station of such port evidence that these rules and regulations have been complied with, in order that such vessel may enter such port, discharge its cargo, and land its passengers.

The within rules and regulations are true copies made this 26th day of June, 1879.

J. L. CABELL,  
*President of National Board of Health.*

THOS. J. TURNER,  
*Secretary of National Board of Health.*

The foregoing regulations are approved.

R. B. HAYES.

JUNE 26, 1879.

FORM A.

No. —. Port of —.

THE UNITED STATES OF AMERICA.

NATIONAL BOARD OF HEALTH.

*Bill of health.*

I, ——— (Consul, Consular Agent, or other officer empowered by law to sign), at the port of ———, do hereby state that the vessel hereinafter named clears from this port under the following circumstances:

Name of vessel, ———.  
 Nature—(vessel-of-war, ship, schooner, &c.) ———.  
 Tonnage, ———.  
 Guns, ———.  
 Apartments for passengers, No. ———.  
 Where last from, ———.  
 Destination, ———.  
 Name of captain, ———.  
 Name of medical officer (if any), ———.  
 Total number of crew, ———.

Total number of passengers } First cabin, ———.  
 } Second cabin, ———.  
 } Steerage, ———.

Cargo, ———.

Sanitary history of the vessel:

1. Sanitary condition of vessel (before and after reception of cargo, with note of any decayed wood). Note disinfection of vessel.
2. Sanitary condition of cargo.
3. Sanitary condition of crew.
4. Sanitary condition of passengers.

5. Sanitary condition of clothing, food, water, air-space, and ventilation (to be in quantity as required by Revised Statutes).
6. Sanitary condition of port and adjacent country—
  - a. Prevailing diseases, if any.
  - b. Number of cases of and deaths from yellow fever, Asiatic cholera, plague, small-pox, or typhus fever during the week preceding.
7. Any circumstances affecting the public health existing in the port of departure to be here stated.

Clean. { I certify that I have personally inspected the said vessel, and that the above statements are correct; that good health is enjoyed in this port and the adjacent country, without any suspicion of yellow fever, Asiatic cholera, or plague; that neither small-pox nor typhus fever exists as an epidemic; that the sanitary condition of the vessel, cargo, crew, and passengers is good; that the rules and regulations prescribed by the National Board of Health have been complied with, and that the [name of vessel] leaves this port in *free pratique*, bound for \_\_\_\_\_, U. S. of A.

Or,

Foul. { I certify that I have personally inspected the said vessel, and that the above statements are correct, and that she leaves this port bound for \_\_\_\_\_, U. S. of A., in *quarantine*.

In witness whereof, I have hereunto set my hand, and the seal of office, at the port of \_\_\_\_\_, this — day of —, 18—, — o'clock —.

[SEAL.] \_\_\_\_\_,

[*Consul General, Consul, Commercial Agent, Sanitary officer, et al.*]

*Weekly Consular report of the sanitary condition of \_\_\_\_\_, for the week ending \_\_\_\_\_, 18—, made to the National Board of Health, in accordance with an Act of Congress, approved June 2, 1879.*

DISEASES.	CASES.	DEATHS.
Cholera .....		
Yellow fever .....		
Small-pox .....		
Plague .....		
Typhoid fever .....		
Ship fever (typhus) .....		
Other contagious or infectious diseases .....		

Total deaths from all causes during week .....

Recent officially estimated population .....

Prevailing diseases (if any) \_\_\_\_\_

(State cause, if known).

Weekly mean of barometer .....

Weekly mean of thermometer .....

Sanitary condition of town or city .....

NOTE.—As to cleanliness, drainage, &c.; also climatic or other conditions affecting public health.

\_\_\_\_\_ [Consul's signature.]

*List of places from which Consular reports are to be made to the National Board of Health.*

Aleppo.	Cayenne.	Galatz.
Algiers.	Ceara.	Genoa.
Alexandria.	Ceylon.	Hakodadi.
Amoy.	Chefoo.	Halifax.
Antigua.	Chin-Kiang.	Havaua.
Antwerp.	Christiania.	Havre.
Aspinwall.	Cienfuegos.	Hong-Kong.
Alicante.	Constantinople.	Honolulu.
Archangel.	Copenhagen.	Helsingfors.
Amapala.	Cork.	Hamburg.
Amsterdam.	Cronstadt.	Hankow.
Apia.	Curacoa.	Hobart Town.
Acapulco.	Carthagena.	Iquique.
Auckland.	Chihuahua.	Jacmel.
Aux Cayes.	Chemnitz.	Jaffa.
Bahia.	Carrara.	Jerusalem.
Bangkok.	Cardiff.	Kanagawa.
Barbadoes.	Coaticook.	Kingston, Jamaica.
Barcelona.	Charlottetown.	Kingston, Canada.
Batavia.	Colonia.	Laguayra.
Beirut.	Cologne.	La Paz, Mexico.
Belize.	Cape Haytien.	Leghorn.
Berlin.	Damascus.	Leipsic.
Bermuda.	Demerara.	Lisbon.
Bombay.	Dublin.	Liverpool.
Bremen.	Dundee.	London.
Brussels.	Denia.	Londonderry.
Bucharest.	Dresden.	Lubeck.
Buenos Ayres.	Fayal.	Lyons.
Basle.	Fiume.	Leith.
Bogota.	Florence.	Leeds.
Brunswick.	Flushing.	Lambayeque.
Bristol.	Foo-Chow.	Madras.
Barmen.	Frankfort-on-Main.	Mahe.
Bordeaux.	Falmouth.	Malaga.
Bradford.	Funchal.	Malta.
Belfast.	Gaboon.	Manila.
Birmingham.	Geneva.	Maracaibo.
Breslau.	Ghent.	Maranham.
Cadiz.	Gibraltar.	Marseilles.
Cairo.	Glasgow.	Martinique.
Calcutta.	Gonaives.	Matamoros.
Callao.	Grand Bassa.	Matanzas.
Cape Coast Castle.	Guadaloupe.	Mazatlan.
Cape Haytien.	Guatemala.	Melbourne.
Cape Town.	Guayaquil.	Messina.
Cardenas.	Guaymas.	Mexico.
Casa Blanca.	Gaspe Basin.	Milan.

Monrovia.	Quebec.	Sydney.
Montevideo.	Rabat.	Syracuse.
Monterey.	Rangoon.	Saint John's, Quebec.
Montreal.	Rheims.	Saint John, Newfound-
Moscow.	Riga.	land.
Munich.	Rio de Janeiro.	Saltillo.
Manchester.	Ritzebüllet and Cnx-	Saint Martin.
Merida.	haven.	Stuttgart.
Mannheim.	Rome.	Santiago de Cuba.
Manzanillo.	Rosario.	Sonsonate.
Nagasaki.	Rotterdam.	Sonneberg.
Naples.	Rouen.	San Juan, P. R.
Nassau.	Río Grande.	Sabanilla.
Nice.	Sagua la Grande.	Tahiti.
Ningpo.	San Domingo.	Tamatave.
Newcastle.	San Juan del Norte.	Tampico.
Nuremberg.	Santa Cruz.	Tangier.
New-Chwang.	Santa Martha.	Teneriffe.
Odessa.	Santander.	Tetuan.
Omoa.	Santiago, C. V. I.	Torouto.
Osaka and Hiogo.	Santos.	Toulon.
Padang.	Savannah-la-Mar.	Trieste.
Palermo.	Seville.	Tripoli.
Panama.	Setubal.	Tunis.
Para.	Shanghai.	Turin.
Paramaribo.	Sheffield.	Turk's Island.
Paris.	Sierra Leone.	Talcahuano.
Penang.	Singapore.	Trinidad.
Pernambuco.	Smyrna.	Tien-Tsin.
Pesth.	Soerabaya.	Tunstall.
Piræus.	Southampton.	Valparaiso.
Point-de-Galle.	Spezzia.	Venice.
Ponce.	Saint Christopher.	Vera Cruz.
Port-an-Prince.	Saint Eustatius.	Victoria, B. C.
Port Louis.	Saint Helena.	Vienna.
Port Said.	Saint John's, N. B.	Verviers.
Prague.	Saint Paul de Loando.	Warsaw.
Prescott.	Saint Petersburg.	Windsor.
Patras.	Saint Thomas, W. I.	Winuipeg.
Plymouth.	Saint Vincent.	Zanzibar.
Port Stanley.	Stockholm.	Zante.
Port Sarnia.	Suez.	Zurich.
Picton.	Swatow.	

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APPENDIX N<sup>o</sup>. VII.

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RULES AND REGULATIONS FOR THE UNITED  
STATES CONSULAR COURTS IN CHINA AND  
TURKEY, WITH TABLES OF COSTS AND FEES.

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[Since the preparation of the Consular Regulations it has been deemed proper to omit the foregoing Appendix.]





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**APPENDIX N<sup>o</sup>. VIII.**

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**DIGEST OF OPINIONS OF ATTORNEYS-GENERAL  
AND JUDICIAL DECISIONS, OF INTEREST TO  
CONSULAR OFFICERS.**

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## DIGEST OF OPINIONS OF ATTORNEY-GENERAL AND JUDICIAL DECISIONS, OF INTEREST TO CONSULAR OFFICERS.

1. A Consul is not a public minister, nor entitled to the privileges attached to the person of such an officer. (1: 41.)\*

2. A Consul is not privileged from legal process by the general law of nations. (1: 77.)

3. The master of a vessel belonging to the United States, sold in a foreign country in consequence of her being stranded, is not liable for three months' unearned pay to the seamen under the act of 1803 (2 Stat., 203; R. S., § 4580), for neither justice, policy, nor equity requires an appropriation of the proceeds of a sale for the return of a crew, when the sale was the result of a disastrous providence. (1: 148.)

4. Attestation is not essential to the validity of the consular bond. (1: 378; see R. S., sec. 1697.)

5. Foreign Consuls and Vice-Consuls are not public ministers within the law of nations or the acts of Congress, but are amenable to the civil jurisdiction of our courts. (1: 406.) See 2 Dallas Rep., 297.

6. But Consuls are bound to appear only in the Federal courts, the Constitution and laws, contemplating the responsibility of Consuls, having provided these tribunals, in exclusion of the State courts, in which they shall answer. (*Ibid.*)

7. Seamen left behind in a foreign country on account of inability from sickness to return in the vessel in which they went out, are within the provisions of the act of 1803 (2 Stat., 203; R. S., § 4580), and for them the master should deposit with the consul three months' extra pay, as in other cases of voluntary discharge. (1: 593.)

8. The three months' pay, over and above the wages due mariners, establishes a necessary connection between the pay so to be advanced to the Consul by the ship-master and the rate of wages then accruing to the seaman. See act 1803 (2 Stat., 203; R. S., §§ 4580, 4582). (2: 256.)

9. The policy of the law and the plain intention of Congress were to discourage, as far as it was practicable, the discharge of American seamen in foreign countries. (*Ibid.*)

10. Consular jurisdiction depends on the general law of nations, existing treaties between the two governments affected by it, and upon the obligatory force and activity of the rule of reciprocity. (2: 378.)

11. Where a vessel had been wrecked on the coast of Spain, and the captain, exercising the authority which was vested in him under the circumstances, sold her on account of the underwriters, and discharged the ship's company, held, that the case is not within the act of 1803 (R. S., § 4582), and that, therefore, the Consul of the district of Alicante and Carthagena cannot retain three months' extra wages for the seamen. (2: 418.)

\*The figures refer to the volume and page of "Opinions of the Attorneys-General of the United States," where the opinion will be found at length.

12. The provisions of the act of 1803 (R. S., § 4582), in relation to the extra wages of American seamen, to be paid to the Consul where the ship is sold and her crew discharged in a foreign country, are confined to vessels owned by citizens of the United States and constituting a part of our mercantile marine by sailing under our flag. (Ship-masters and seamen, 2: 448, Berrien, 1831.)

American seamen on foreign vessels must look to the laws of the country under whose flag they sail for remuneration and protection in such emergencies. (*Ibid.*)

13. The funeral expenses of the deceased Consul, and the incidental and contingent expenses of the consulate after his death, are a fair item of charge on the fund for the contingent expenses of foreign intercourse, such Consul having been a diplomatic agent. (2: 521.)

14. Foreign Consuls are entitled to no immunities beyond those enjoyed by foreigners coming in a private capacity to this country, except that of being sued and prosecuted exclusively in the Federal courts. Whenever a foreign Consul is guilty of illegal or improper conduct, he becomes liable to a revocation of his ex-*equatur*, and to be punished according to our laws, or he may be sent back to his own country, at the discretion of our Government. (2: 725.)

15. Seamen on board vessels of war are not entitled to pecuniary assistance from Consuls abroad, under the act of 1803. (R. S., § 4577.) (3: 683.)

The moneys in the hands of the Secretary of State were raised from the wages of merchant seamen only, and should be applied only for the relief of that class of seamen which have contributed to the fund. (*Ibid.*)

16. Seamen on board of ships of war are not entitled to pecuniary assistance from Consuls under the acts of 1792 (1 Stat. 256; repealed) and 1803 (2 Stat., 203; R. S., § 4577). (3: 685.)

17. If a vessel be compelled, by an overruling necessity, to take refuge in the ports of another country, she is not subject to the municipal law of that country, so far as concerns any penalty, prohibition, tax, or incapacity, that would otherwise be incurred: *Provided*, she do nothing further to violate the municipal law during her stay. (4: 98.)

18. The second section of the act of 1803 (2 Stat., 203; R. S., § 4309) does not require the papers of an American vessel in a foreign port to be delivered to the Consul, except in cases where it is necessary to make an entry at the custom-house. (4: 390.)

19. Masters of American vessels entering foreign ports where there is an American Consul, and remaining so long that, by the local regulations, they are required to enter and afterward to clear in regular form, are required to deposit their registers, &c., with such Consul, irrespective of the purpose for which the port was entered. (5: 161.)

20. The statute provision for the surrender of deserting seamen applies only to seamen of those governments with which a treaty exists to that effect. (6: 148.)

21. In order that the master of a ship, on her "arrival" in a foreign port, shall be compellable to deposit the ship's papers with the Consul, the arrival must be such a one as involves entry and clearance. (6: 163.)

22. Consuls have no authority to order the sale of a ship in a foreign port, either on complaint of the crew or otherwise. (6: 617.)

23. If, on such sale, a Consul retains money for the payment of seamen's wages, he acts at his own peril, and is responsible to the owners. (*Ibid.*)

24. The United States are not responsible in damages for moneys illegally received by Consuls, or for any other act of malfeasance of theirs in office. (*Ibid.*)

25. A citizen of the United States may lawfully purchase a merchantship of either of the belligerents, Turkey, Russia, Great Britain, France, or Sardinia; and, if purchased *bona fide*, such ship becomes an American vessel in the sense of American property, although she is not an American vessel in the sense of the registry or enrollment acts; and she is entitled to protection and to the flag of the United States. Although she cannot take out a register, that is because she is foreign-built, not because she is belligerent-built. The question as to what documents such a ship is entitled to, referred to, but not decided. (6: 638.)

26. Consuls of the United States have no lawful authority, as such, to solemnize marriages in countries comprehended within the pale of the international public law of Christendom (but see subsequent act, 1860, 12 Stat., 79; R. S., § 4082); otherwise, in countries not Christian, where, by convention, or in fact where the rights of extritoriality are possessed by citizens of the United States. (7: 18.)

27. A Consul may be authorized to communicate directly with the government near which he resides, but he does not thereby acquire the diplomatic privileges of a minister. (7: 342.)

28. Nor does he, as Consul, acquire such privileges by being appointed, as he may be at the same time *chargé d'affaires*. (*Ibid.*)

29. A marriage cannot be solemnized by a Consul of the United States in Germany. (*Ibid.*)

30. The extritoriality of foreign Consuls in Turkey and other Mahomedan countries is entirely independent of the fact of diplomatic representation, and is maintained by the difference of law and religion, being but incidental to the fact of the established extritoriality of Christians in all countries not Christian. (*Ibid.*)

31. Consuls, as international commercial agents, originated in the colonial municipalities of the Latin Christians in the Levant, which municipalities were self-governing through their "Consuls," the ancient title of municipal magistrates in Italy. (*Ibid.*)

32. Rights of private extritoriality having ceased to exist in Christendom, foreign Consuls have ceased, mostly, to be municipal magistrates of their countrymen there; but they still continue not only international agents but also administrative and judicial functionaries of their countrymen in countries outside of Christendom. (*Ibid.*)

33. Masters of American vessels cannot lawfully discharge seamen in foreign ports without intervention of the Consul. (See R. S., § 4576.) (7: 349.)

34. It does not help the matter to allege that the seamen consent, or have misconducted themselves, or are not Americans. Of all that, it is for the Consul to judge. (*Ibid.*)

35. Masters of American vessels are subject to prosecution in the name of the Consul for omission to deposit with him the papers according to law, but not to indictment. (2 Stat., 203, § 2; R. S., § 4309.) (7: 395.)

36. Vice-Consuls are competent to hold Consular Courts in China, when duly appointed or approved as such by the Secretary of State. (See act of February 1, 1876, amending R. S., § 4130.) (7: 493.)

37. In virtue of the treaty between the United States and China, all citizens of the United States in China enjoy complete rights of extritoriality, and are amenable to no authority but that of the United States. (*Ibid.*)

38. The several Consuls, each in his Consular circumscription, have, by express provision of statute, original jurisdiction in all civil cases of contract, or the like sounding in damages, which arise between two or more citizens of the United States, and in crimes committed by an American. (*Ibid.*)

39. In such civil matters of contract, or the like sounding in damages, the Consul sits with or without assessors, according to circumstances; and in case of difference of opinion between him and his assessors, an appeal lies to the commissioner. (*Ibid.*)

40. In all criminal matters, except certain petty misdemeanors, the Consul sits with assessors, and decides subject to appeal as in civil cases to the commissioner; save that in capital cases there is no appeal, but the conviction is invalid unless approved by the commissioner. (*Ibid.*)

41. In controversies between citizens of the United States and subjects of China, the case is to be tried by the court of the defendant's nation; and so in controversies between citizens of the United States and those of any friendly foreign government. (*Ibid.*)

42. The Consular Court has no authority by the treaty or the statute to entertain jurisdiction of a suit by the Chinese Government for duties. (*Ibid.*)

43. In all criminal matters, and in all civil matters of contract, or the like sounding in damages, the commissioner has only appellate jurisdiction. (*Ibid.*)

44. As to all other matters, such as probate of wills, divorce, intestacy, copartnership, chancery, admiralty, proceedings *de re* or *in rem*, personal or prerogative writs, division of lands and the like, the statute makes no specific provision, leaving them to regulations of the commissioner and Consuls. (*Ibid.*)

45. Citizens of the United States by virtue of the provisions of the treaty of 1830 with the Ottoman Empire (Pub. Trs., 583), enjoy in common with all other Christians the privilege of extritoriality in Turkey, including Egypt, in the Turkish regencies of Tripoli and Tunis, and in the independent Arabic states of Morocco and Muscat. (7: 565.)

46. The face of a banker's circular-letter of credit, found in the possession of an American dying abroad, is not assets to that amount upon which a Consul may charge commissions as administrator. (7: 542.)

47. A substitute or Vice-Consul, left in charge of the Consulate during the temporary absence of the Consul, is to be compensated out of the statute emoluments of the office, subject to regulations of the Department. An acting Consul in charge of a Consulate during actual vacancy of the Consulate, is entitled to receive the statute compensation of the office. (7: 714.)

48. Shipmasters in foreign ports are subject, on the requisition of the Consul, to take on board and convey to the United States distressed sea-

men; but not seamen or other persons accused of crimes, to be transported to the United States for prosecution. (7:722.)

49. Discussion of jurisdiction over acts on board of ships on high seas and in foreign ports. Crimes committed on board ship on the high seas are triable in the country to which the vessel belongs. In port the local authorities have power to enter upon the vessel for purposes of inquiry universally, but for purposes of arrest only in matters within their jurisdiction. The local authorities have jurisdiction over such acts committed on board a foreign merchant-ship while in port as affect the peace of the port only. The nationality of the actors being of the crew or passengers does not alter the case. (8:73.)

50. Merchant-ships are a part of the territory of their country, and are so treated on the high seas, and partially but not wholly so while in the territorial waters of a foreign country. (*Ibid.*)

51. Crimes committed on board ship on the high seas are triable in the country to which she belongs. (*Ibid.*)

52. In port, the local authority has jurisdiction of acts committed on board of a foreign merchant-ship while in port, provided those acts affect the peace of the port, but not otherwise; and its jurisdiction does not extend to acts internal to the ship, or occurring on the high seas. (*Ibid.*)

53. The authority of the ship's country in these cases is not taken away by the fact that the actors are foreigners, provided they be of the crew or passengers of the ship. (*Ibid.*)

54. The local authority has right to enter on board a foreign merchantman in port for the purpose of inquiry universally, but for the purpose of arrest only in matters within its ascertained jurisdiction. (*Ibid.*)

55. The estates of foreigners dying in the United States are settled by the local authorities. The Consul of the decedent's country can intervene of right only by way of surveillance and without jurisdiction. (8:98.)

56. Sundry legislative acts of the United States proceed on the assumption that American Consuls, in foreign countries, will collect and remit the assets of deceased Americans. Their authority to do this will depend, of course, on the law of the foreign country; if permitted by that law, and so far as permitted, the Consul may do it, but not otherwise, nor further, unless allowed by treaty. And so it is with respect to foreign Consuls in the States of the Union. (*Ibid.*)

57. Consuls of the United States, in foreign countries, are required to see to persons charged with the commission of crimes at sea or in port, under circumstances giving jurisdiction to the courts of the United States, and have authority to send home for trial, and, in that view, to inquire into the facts of the alleged crime. (8:380.)

58. But the authority of the Consul in such cases is ministerial, not judicial, in its nature. (*Ibid.*)

59. If a crime be committed on the high seas, the master may detain the party for trial; on touching at a foreign port the party may apply to the Consul for discharge; and it may be the duty of the Consul either to grant or refuse the discharge; and, in the latter case, he may have occasion to call on the local authorities to aid in detaining the party, or in providing to send him home for trial. (*Ibid.*)

60. The power of the Consul is to refuse to discharge, or at most to

detain, or call on the master, or the local authorities, or a man-of-war of his country, to detain a person so charged with crime. (*Ibid.*)

61. In order to determine whether he shall detain or require detention, the Consul must inquire into, and in some sense judge and decide the question of culpability. He must, of necessity, inquire in the usual way, that is, by hearing testimony, not as a judicial officer, but as Consul. As to judgment, that is, deciding whether to detain or not to detain, he must have large discretion. He need not detain men upon such suspicion of guilt as would justify an examining magistrate in holding to bail within the United States. There is no judge at hand to supervise the propriety of such detention by writ of *habeas corpus*, or to admit bail on motion. The Consul, in order to induce him to detain, may well require stronger probable cause of belief in guilt than an examining magistrate. He may do this in the interest of the party, and he may do it in the interest of the government, which must defray the expenses of the detention and custody of the party and of his conveyance to the United States. (*Ibid.*)

62. If the offense be committed in port, or so soon as the ship arrives in port, it becomes the duty of the Consul, by express provision of the statute, to receive and hear the complaints of the ship's company. (Act of July 20, 1840, § 16.) And, on the other hand, it is the right of the master, in such circumstances, to demand the assistance of the Consul, who is to advise, aid, and, if need be, direct the master as to the further detention of the party as a criminal, and his immediate transmission to his country. (*Ibid.*)

63. If the offense be committed in port and the local authorities do not take jurisdiction, then also the Consul is to advise and aid the master in the disposition of the party, in order to his transmission to the United States for trial. (*Ibid.*)

64. His obligations and his powers go no further than to inquire, in order to decide what his duty is in the given case, to take evidence of the facts, to collect and see to the presentation of documents and material proofs, to draw up a statement of the facts to be reported to his government, and if, in his judgment the facts require it, to see to the further detention of the party and his transportation to the United States. (*Ibid.*)

65. The provisions in sec. 8 of the act of 1856 (11 Stat., 55; R. S., § 1740), forbidding the allowance of compensation for the time occupied in coming home by a Consul who shall have resigned or been recalled for malfeasance in office, does not apply to the case of a Consul who has resigned or been recalled without being guilty of any misconduct. The penalty of having to come home at his own expense is only to be inflicted upon the Consul whose misbehavior has obliged the Government to recall him, or who resigns simply to escape a recall which he is conscious of deserving. (9: 89.)

66. The commander of an American vessel is required to deliver his register and other ship's papers to the Consul at a foreign port, only in cases where he is compelled to make an entry at the custom-house. (9: 256.)

67. A passport issued by an unauthorized person substantially in the form used by the State Department, is within the letter of section 23 of the act of 1856. (11 Stat., 60; R. S., § 4078.) (9: 350.)



68. The prohibition contained in that act is not confined to the issuing and verifying of such passports or certificates in foreign countries, but applies equally to the State and Federal functionaries residing here. (*Ibid.*)

69. A passport cannot be issued to any other than a citizen of the United States. (*Ibid.*)

70. There is no form of certificate in the nature of a passport which can be issued lawfully by a State officer. (*Ibid.*)

71. Under the treaty with Peru of 1851 (Pub. Trs., 612) the United States are not bound to pay a Consul of the Peruvian Government the value of property belonging to a deceased Peruvian, on whose estate the Consul was entitled to administer, which may have been unjustly detained and administered by a local public administrator. (9, 383.)

71. A consul of the United States, under the act of 1803 (2 Stat., 203; R. S., § 4309), has no authority, by withholding a ship's papers, to compel payment of demands of creditors against the vessel. (9, 384.)

72. A Consul, under section 28 of the act of 1856 (11 Stat., 63; R. S., § 1718), has authority to detain the papers of a ship to enforce only the payment of wages in certain cases and consular fees; but he has not a general power of deciding upon all manner of disputed claims against American vessels. (*Ibid.*)

73. A consul may recover the penalties incurred by the master of a vessel for neglecting to deposit his papers, in a court of competent jurisdiction, but he has no right to enforce otherwise the payment of the penalties. (*Ibid.*)

74. A Consul is entitled to be paid his fees as commissioner for taking depositions in an admiralty proceeding in a United States district court. The taking of these depositions is not the duty of a Consul, as Consul. (9, 496.)

75. The salary of a person appointed marshal of the United States Consular Court at Shanghai begins from the time of his entering upon such duties as are preliminary to his departure for the field of his services, after taking the oath of office and giving the bond prescribed by law. (10, 250.)

76. A certificate under the act of 1860 (12 Stat., 84; R. S., § 5271) should show upon its face that the officer who made it is the principal diplomatic or Consular Officer of the United States resident in the country making the demand of extradition, and should declare that the documents to which it is attached are legally authenticated, according to the laws of the country from which the fugitive escaped, so as to entitle them to be received as evidence for similar purposes by the tribunals of that country. (10, 501.)

77. The master of an American vessel sailing to or between ports in the British North American provinces is required, on arriving at any such port, to deposit his ship's papers with the American Consul. (11, 72.)

78. The act of 1861 (12 Stat., 315; R. S., § 1720), does not change or affect the duties of masters of American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, as imposed by act of 1803 (2 Stat., 203; R. S., § 4309.) (*Ibid.*)

79. If an American vessel is obliged by the law or usage prevailing at a foreign port to effect an entry, and she does enter conformably to the

local law or usage, her coming to such foreign port amounts to an arrival within the meaning of section 2 of the act of 1803 (2 Stat., 203; R. S., § 4309), independently of any ulterior destination of the vessel, or the time she may remain or intend to remain at such port, or the particular business she may transact there. (*Ibid.*)

80. The act of 1861 (12 Stat., 315; R. S., § 1720), was merely intended to limit the amount of fees payable annually to American Consuls by the masters of American vessels running, by regular trips, to or between foreign ports. (*Ibid.*)

81. The provisions of the act of 1803 (2 Stat., 203; R. S., § 4309) in reference to the deposit of ships' papers with American Consuls apply to American steam ferry-boats running between Detroit and Windsor, Canada West. (But see subsequent act, 1872, 17 Stat., 214; R. S., § 2792.) (11, 237.)

82. The master of a vessel is a mariner within the meaning of sections 3 and 4 of the act of 1803 (2 Stat., 203; R. S., §§ 4577, 4582), and he is entitled, if a citizen of the United States, to three months' additional wages on being discharged in a foreign port, as in the case of a like discharge of any other seaman or mariner. (11, 458.)

83. A Consular Court of the United States in Japan cannot, in the case of a suit by a person not a citizen of the United States against an American merchant, entertain a plea of set-off further than to the extent of the claim asserted by the plaintiff. (11, 474.)

84. Under the treaty with that country of 1858 (Pub. Trs., 452), and the laws of the United States (12 Stat., 72; R. S., § 4083), a Consular Court cannot render a judgment against a person of foreign birth not a citizen of the United States. (*Ibid.*)

85. The Consul of the United States at Honolulu has the right and power, without interference from the local courts, to determine, as between citizens of the United States, who comprise the crew of an American vessel, and are bound to fulfill the obligations imposed by the shipping articles. (11, 508.)

86. No law or regulation requires an American Consul to certify to the official character and acts of a foreign notary public. The Consuls of the United States are authorized, by section 24 of the act of 1856 (11 Stat., 61; R. S., § 1750), to perform any notarial acts; but a certificate as to the official character of a foreign notary is not a notarial act; and, if it were such, the duty would not be imperative. (12, 1.)

87. Consuls may retain \$1,000 out of the aggregate of moneys received from Consular Agencies. (12, 527.)

88. Children born abroad whose fathers were, at the time of their birth, citizens of the United States, and had at some time resided therein, are American citizens, under the provisions of the act of 1855 (10 Stat., 604; R. S., § 1993), and are entitled to all the privileges of citizenship which it is in the power of the United States Government to confer. (13, 89.)

89. But if, by the laws of the country of their birth, such children are subjects of its government, it is not competent to the United States, by legislation, to interfere with that relation while they continue within the territory of that country, or to change the relation to other foreign nations which, by reason of their place of birth, may at any time exist. Passports may be refused under such circumstances. (*Ibid.*)

90. A Consul's bond takes effect from the time of its approval by the Secretary of State. (Act 1856, 11 Stat., 56, § 13; R. S., § 1697.) Where an appointee was commissioned Consul on 18th January, and his bond, dated 13th of the same month, was not approved until the 27th: Held valid under the said act. (14, 7.)

91. Children born abroad of persons once citizens of the United States, but who have become citizens or subjects of a foreign power, are not citizens of the United States, nor, as such, entitled to its protection. (14, 295.)

92. A native-born citizen of the United States who has been naturalized in a foreign country, and thus become a citizen or subject thereof, is to be regarded as an alien; and he cannot re-acquire American nationality, except in conformity to the laws of the United States providing for the admission of aliens to citizenship therein. (*Ibid.*)

93. The authorities upon the construction of section 2 of act of 1855 (10 Stat., 604; R. S., § 1994) reviewed, and the following conclusion deduced therefrom, viz: That any free white woman, not an alien enemy, who is married to a citizen of the United States, is, by reason of her marriage, to be deemed a citizen of the United States, irrespective of the time or place of the marriage or the residence of the parties. (14, 402.)

94. Held, accordingly, that an alien woman who has intermarried with a citizen of the United States residing abroad, the marriage having been solemnized abroad, and the parties after the marriage continuing to reside abroad, is to be regarded as a citizen of the United States, within the meaning of said act, though she may never have resided in the United States. (*Ibid.*)

95. A Consul has no authority to demand and receive from the master of a vessel the money and effects belonging to a deserter from the vessel. (14, 520.)

96. Where Consular Courts are clothed with criminal jurisdiction, the rule applies that a sentence of imprisonment cannot be legally executed beyond the territorial jurisdiction of the court which pronounced it, unless authority there to execute the sentence is conferred by the legislature. (14, 522.)

97. Hence, in the absence of any law-giving power to send convicts of the Consular Courts at Smyrna and Constantinople to this country for imprisonment, if such convicts were brought to the United States for that purpose they could not legally be held. (*Ibid.*)

### JUDICIAL DECISIONS.

1. A Consul, though a public agent, is supposed to be clothed with authority only for commercial purposes. He has an undoubted right to interpose claims for the restitution of property belonging to subjects of his own country, but it is not competent for him, without the special authority of his government, to interpose a claim on account of the violation of the territorial jurisdiction of his country. (The Anne, 3 Wheaton, 435 [445].)

2. A Consul of a foreign power, though not entitled to represent his sovereign in a country where the sovereign has an ambassador, is enti-

tled to intervene for all subjects of that power interested. (*Robson vs. The Huntress*, 2 Wallace, jr., 59.)

3. A Consul is not entitled by the law of nations to the immunities and privileges of an ambassador or public minister. He is liable to civil suits, like any other individual, in the tribunals of the country in which he resides. (*Gittings vs. Crawford*, Taney's Decisions, 1.)

4. Under the act of 1802 (2 Stat., 153; R. S., § 2172), a minor child of a father duly naturalized became a citizen, though not then within the United States, provided she was a resident therein at the time of the passage of this law. (*Campbell vs. Gordon*, 6 Cranch, 176 [183.])

5. An American citizen may enter either the land or naval service of a foreign government without divesting himself thereby of his rights of citizenship. (*The Santissima Trinidad*, 1 Brockenbrough, 478.)

6. A person born abroad, on board of an American vessel, of parents who are citizens of the United States, and who are at the time in the foreign country, not with the design of removing thither, but only having touched there in the course of a voyage which the father has made, as captain of the vessel, is to be regarded as a citizen of the United States. (*United States vs. Gordon*, 5 Blatchford, 18.)

7. Every public officer is required to perform all duties which are strictly official, although they may be required by laws passed after he comes into office, and may be cumulative upon his original duties, and although his compensation therefor be wholly inadequate. (*Andrews vs. United States*, 2 Story, 202.)

8. A Consular Court is a court of limited jurisdiction, and all the jurisdictional facts must be alleged in the libel or petition; otherwise it will be insufficient. (*Steamer Spark vs. Lee Choi Chum*, 1 Sawyer, 713.)

9. In cases of appeal from the Consular and Ministerial Courts of China and Japan to the circuit court of the United States for the district of California, the record on appeal must show an allowance of the appeal. (*Ibid.*)

10. A citation is necessary, unless the appeal is allowed in open court. *Quere*, whether a citation is not always necessary, if the Consular Court has once adjourned after rendering a decree, there being no terms of such courts. (*Ibid.*)

11. It is not a Consular function to authenticate the laws of a foreign state, and the certificate of a Consul to that effect is not evidence. (*Church vs. Hubbard*, 2 Cranch, 187 [237.])

12. A Consular certificate is not admissible to prove the correctness of a translation. (*Ibid.*, [239.])

13. Consuls are approved and admitted by the local sovereign. If guilty of illegal or improper conduct the exequatur which has been given may be revoked, and they may be punished or sent out of the country, at the option of the offended government. In civil and criminal cases, they are subject to the local law in the same manner with other foreign residents owing a temporary allegiance to the state. A trading Consul, in all that concerns his trade, is liable in the same way as a native merchant. The character of Consul does not give any protection to that of merchant when they are united in the same person. (*Coppell vs. Hall*, 7 Wallace, 553.)

14. The Consul of a nation may claim on behalf of its subjects, in the absence of any authorized agent. (*The London Packet*, 1 Mason, 14.)

15. A Consul is liable to civil suits, like any other individual, in the tribunals of the country in which he resides. (*Gittings vs. Crawford, Taney's Decisions*, 1.)

16. If a seaman be entitled to the privileges of an American seaman, and be destitute, the Consul is the proper judge as to the ship on board of which he should be placed for his return to the United States. (*Matthews vs. Offley*, 3 Sumner, 115.)

17. A Consul has no right to detain seamen in prison as a punishment, after he has discharged them from their contract at the request of the master. (*Jordan vs. Williams*, 1 Curtis, 69 [85].)

18. The action of a Consul in discharging a seaman in a foreign port is not conclusive on the court where a libel is filed for wages. (*Campbell vs. The Uncle Sam*, 1 McAllister, 77.)

19. The advice of an American Consul, in a foreign port, gives to the master of a vessel no justification for an illegal act. (*Wilson vs. The Mary Gilpin*, 33.)

20. The right given to seamen by the act of 1840 (5 Stat., 396; R. S., § 4567), to lay their complaints before the American Consul in foreign ports, is one of great importance, which a court of admiralty will carefully protect. (*Morris vs. Cornell*, 1 Sprague, 62.)

21. Where a minor concealed himself, without the knowledge of his father, on board of a whaling-ship, and was not discovered till the vessel was at sea, and was then left by the master in the care of the American Consul at the first port at which he touched, it was the duty of the Consul to provide for and send him home to the United States. (*Luscom vs. Osgood*, 1 Sprague, 82.)

22. Under the act of 18th August, 1856 (11 Stat., 56; R. S., § 1738), which provides that "no Consular Officer shall exercise diplomatic functions in any case unless expressly authorized by the President so to do," a retiring Minister cannot install a Consul in charge of the legation, nor can the Consul receive the pay provided by law for a *chargé d'affaires*. (*Otterbourg vs. United States*, 5 C. Cls., 430.)

23. Seamen of the United States put on board a vessel of the United States by a Consul in a foreign port are bound by the same regulations as articulated seamen. (See R. S., § 4577; *United States vs. Sharp, Peters*, C. Cls., 118.)

24. Under the act of 1803 (2 Stat., 203; R. S., § 4578), requiring the masters of American vessels bound homeward to provide passage for destitute seamen, on the request of Consuls, the Consul's certificate shall be presumptive evidence, not merely of the fact of the master's refusal to take the seaman on board, but of all the facts stated in the enacting clause, which are necessary to bring the case within the penalty. (*Matthews vs. Offley*, 3 Sumner, 115.)

25. Foreigners, while employed as seamen in the merchant-ships of the United States, are deemed to be "mariners and seamen of the United States," within the language and policy of the act of 1803 (2 Stat., 203; R. S., § 4577), which provides for destitute seamen in foreign ports. (*Ibid.*)

26. If a seaman be entitled to the privileges of an American seaman, and be destitute, the Consul is the proper judge as to the ship on board of which he should be placed for his return to the United States. (*Ibid.*)

27. The bond given to the United States under the act of Congress of 1803 (2 Stat., 203; R. S., § 4576), by the master of a vessel, conditioned for the return of the crew to the United States, is not forfeited where a vessel is sold in a foreign port and does not return to the United States; nor does it extend to the seaman who is lawfully separated from the ship, without the fault of the master or owner; but to those cases only where the vessel returns to the United States and where the ship's company continue subject to the authority of the master. (*Montell vs. United States*, Taney's Decisions, 24.)

28. By the general maritime law, desertion is an unauthorized absence from the ship, with an intention not to return. (*Coffin vs. Jenkins*, 3 Story, 108.)

29. The provisions of the act of 1872 (17 Stat., 265; R. S., § 4512), known as the shipping act, provided that every agreement of the seaman shall be signed in the presence of a shipping commissioner. The act of January 15, 1873 (17 Stat., 410), provided that section 12 of the above act should not apply to masters of vessels when engaged in trade with Mexico: Held, that the act of 1873 did not modify the provisions of the 13th section of the act of 1872, and that the master of a vessel making a voyage from New York to Mexico must make the agreement required, and the agreement must be signed, &c., before a shipping commissioner. (*United States vs. Steamship City of Mexico*, 11 Blatchford, 489.)

30. Where seamen are shipped on a vessel unseaworthy at the time, they may abandon her or refuse to do duty on board. Such acts, under such circumstances, not amounting to mutinous conduct, do not work a forfeiture of wages. (*The Moslem*, Olcott, 289.)

31. The act of 20th of July, 1840 (5 Stat., 394; R. S., § 4575), the fourth clause of which provides that "all interlineations or erasures in a hand different from that in which such duplicates were originally made shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners," applies only to alterations which would vary their effect in respect to seamen. Erasures immaterial in this respect would be disregarded. (*The Eagle*, Olcott, 232.)

32. To constitute desertion and work a forfeiture of wages there must be an intent to desert. Going ashore without leave and with intent to return is not desertion. (*The Catawanteak*, 2 Benedict, 189.)

33. A slight disobedience may not justify a discharge and loss of wages. (*The Cornelia Amsden*, 5 Benedict, 315.)

34. A female shipped on board a vessel as cook is entitled to all the rights and subject to all the liabilities of a seaman or mariner. The requirements of the statute concerning shipping-articles extends as well to each cook as to the common sailor. (*Sage-man vs. The Brandywine*, 1 Newberry, Adm., 5; *The Louisiana*, 2 Peters, Adm., 268.)

35. A seaman, by the consent and assistance of the mate, but unknown to the master, left the vessel. Held, not liable to desertion or to a forfeiture of wages. (*The Caroline E. Kelly*, 2 Abbott, U. S., 160.)

36. Where seamen were shipped for a voyage from the United States and return, with a proviso that they might be discharged in a foreign

port by mutual consent of themselves and the master, such agreement does not take the case out of the statute requiring the payment of three months' extra wages; the Consul must exact one month's wages for the government, though he may permit the seaman to waive the two months to which he is entitled. (Pray's Case, 10 C. Cls., 454.)

37. Where the nationality of the crew does not appear from the crew list, it will be presumed that they are citizens of the United States. (*Ibid.*)





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APPENDIX No. IX.

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FORMS.

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## FORMS.

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In order to preserve uniformity in the transaction of Consular business, the following forms have been prepared. They exhibit the character and kind of service Consular Officers may be called upon to perform. These forms are referred to in the Regulations prescribed by the President for the guidance of Consular Officers, and are to be observed by them in the transaction of official business.

Certain of the forms most frequently used are supplied to Consular Officers by the Department of State. Consuls may cause others to be printed on thin paper, and on sheets not unnecessarily large. When the printed sheets are not filled by the return, they can be reduced in size before transmission to the Department. The observance of these precautions lessens the expense of postage. Consuls will be careful to sign all forms to which their signatures are required.



FORMS ARRANGED IN THE ORDER IN WHICH THEY ARE  
REFERRED TO IN THE TEXT.

FORM No. 1.

*Oath of allegiance.* (Paragraph 28.)

I, ———, do solemnly ——— that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office in which I am about to enter: So help me God.

Sworn to and subscribed before me this ——— day of ———.

[Or should the affiant be unable, on account of participation in the late rebellion, to take the above oath, the following may be taken in lieu of it:]

I, ———, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign; and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State, convention, or legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and further, that I will well and faithfully perform all the duties which may be required of me by law: So help me God.

Sworn to before me this ——— day of ———, 188—.

## FORM No. 2.

*Bond by Consular Officers in Schedule B. (Paragraph 29.)*

Know all men by these presents that we, \_\_\_\_\_ and \_\_\_\_\_, are held and firmly bound to the United States of America in the sum of \_\_\_\_\_ thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

The condition of the above obligation is such, that if the above bounden \_\_\_\_\_, appointed \_\_\_\_\_ of the United States at \_\_\_\_\_, shall truly and faithfully discharge the duties of his said office according to law, and shall truly and faithfully account for, pay over, and deliver up all fees, moneys, goods, effects, books, records, papers, and other property which shall come to the hands of the said \_\_\_\_\_, or to the hands of any person for his use, as such \_\_\_\_\_, under any law now or hereafter enacted, and that he will truly and faithfully perform all other duties now or hereafter lawfully imposed upon him as such \_\_\_\_\_. And these presents are subject to this other and further condition, that he, the said \_\_\_\_\_, will not, while he holds the said office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his \_\_\_\_\_, directly or indirectly, either in his own name or in the name, or through the agency, of any other person; and in case he, the said \_\_\_\_\_, shall violate the provisions of this condition, that then the above-named obligors shall be liable to said obligees, to a penalty for the breach of such condition, in a sum equal to the amount of the annual compensation of said \_\_\_\_\_, which is hereby stipulated, agreed upon, and admitted by way of liquidated damages; but that this condition shall not impair or prevent the right of the United States to prosecute said \_\_\_\_\_ for the recovery of said penalty against him, the said \_\_\_\_\_, individually, the same as if this bond had not been given; and if the said \_\_\_\_\_ shall conform to all the above conditions, then this obligation to be void; otherwise to remain in full force.

\_\_\_\_\_. [L. S.]  
 \_\_\_\_\_. [L. S.]  
 \_\_\_\_\_. [L. S.]

Signed, sealed, and delivered in the presence of—

\_\_\_\_\_  
 \_\_\_\_\_

NOTE.—The following instructions must be particularly observed and complied with in the execution of a bond in either Form 1, 2, or 3:

1st. The Christian names must be written in the body of the bond in full, and so signed to the bond.

2d. A seal, which means an impression upon wax, wafer, or some other tenacious substance capable of being impressed, to be attached to each signature. A mere scroll written or printed upon the paper, though

called a seal by the law of some of the States and Territories, is not such a seal as satisfies the requisition of the statute and of the Department.

3d. Each signature must be made in the presence of two persons, who must sign their names as witnesses.

4th. The sureties must be citizens and *permanent residents* of the United States.

5th. The United States attorney of the district in which the sureties reside, or the Member of Congress for the District, or one of the Senators of the State from which he is appointed, must certify that they are sufficient to pay the penalty of the bond, and are citizens of the United States. This requirement being for the benefit of the Secretary of State, he may substitute any other for it in any particular case, in order to enable him to be satisfied of the sufficiency of the sureties.

6th. Bond to be dated, and signed by the Consul and his sureties.

7th. The name of the State, county, and town in which the sureties reside should be stated in the certificate of the district attorney.

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FORM No. 3.

*Bond by Consular Officers in Schedule C. (Paragraph 29.)*

Know all men by these presents that we, \_\_\_\_\_ and \_\_\_\_\_, are held and firmly bound to the United States of America in the sum of \_\_\_\_\_ thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators.

Witness our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

The condition of the above obligation is such, that if the above bounden \_\_\_\_\_, appointed \_\_\_\_\_ of the United States at \_\_\_\_\_, shall truly and faithfully discharge the duties of his said office, according to law, and shall truly and faithfully account for, pay over, and deliver up all fees, moneys, goods, effects, books, records, papers, and other property which shall come to the hands of the said \_\_\_\_\_, or to the hands of any person for his use as such \_\_\_\_\_, under any law now or hereafter enacted, and that he will truly and faithfully perform all other duties now or hereafter lawfully imposed upon him as such \_\_\_\_\_, then this obligation to be void; otherwise to remain in full force.

\_\_\_\_\_. [L. S.]

\_\_\_\_\_. [L. S.]

\_\_\_\_\_. [L. S.]

Signed, sealed, and delivered in presence of—

\_\_\_\_\_  
\_\_\_\_\_.

[For mode of execution, see note to Form 2.]

## FORM No. 4.

*Bonds by Consuls and Commercial Agents not in Schedules B or C and by Vice-Consular Officers. (Paragraphs 29 and 34.)*

Know all men by these presents that we, \_\_\_\_\_ and \_\_\_\_\_, are held and firmly bound to the United States of America in the sum of \_\_\_\_\_ thousand dollars, money of the said United States, to the payment whereof we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators.

Witness our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, 188-.

The condition of the above obligation is such, that if the above bounden \_\_\_\_\_, appointed \_\_\_\_\_ of the United States at \_\_\_\_\_, shall truly and faithfully discharge the duties of his said office according to law, and also shall truly and faithfully account for, pay over, and deliver up all moneys, goods, effects, books, records, papers, and other property which shall come to the hands of the said \_\_\_\_\_, or to the hands of any person for his use as such \_\_\_\_\_, under any law now or hereafter enacted, and that he will faithfully perform all other duties now or hereafter lawfully imposed upon him as such \_\_\_\_\_, then this obligation to be void; otherwise to remain in full force.

\_\_\_\_\_. [L. S.]  
 \_\_\_\_\_. [L. S.]  
 \_\_\_\_\_. [L. S.]

Signed, sealed, and delivered in presence of—

\_\_\_\_\_  
 \_\_\_\_\_.

[For mode of execution, see note to Form 2. If the sureties on the bond of a subordinate Consular Officer are not citizens of the United States, their sufficiency to pay the penalty of the bond may be certified by the Consul.]

## FORM No. 5.

*Joint certificate of the outgoing and incoming Officers. (Paragraphs 127 and 129.)*

\_\_\_\_\_ OF THE UNITED STATES AT \_\_\_\_\_.

[Date.]

We certify, on this the \_\_\_\_\_ day of \_\_\_\_\_, the services of A B ceased, and he is entitled to his salary, or fees, including said day; and that the services of C D commenced the day following, he having received the archives, a full and complete inventory of which is hereto annexed, as required by the Consular Regulations, Article IX.

\_\_\_\_\_, U. S. Consul.  
 \_\_\_\_\_, late U. S. Consul.



## FORM No. 6.

*Form for the first (or outside) page of a dispatch. (Paragraph 140.)*

[For the form of the same dispatch see No. 7.]

[No. —.]

UNITED STATES CONSULATE AT —.

Mr. —

to the Department of State :

*Subject.*—Loss of ship Boston.

*Abstract of contents.*

Ship lost at sea August 10, 1880; crew saved by British brig London. An acknowledgment recommended. Master's protest inclosed.

## FORM No. 7.

*Form for a dispatch and inclosure. (Paragraph 140.)*

[This dispatch should commence on the 3d page of the 1st sheet.]

[No. —.]

UNITED STATES CONSULATE,  
—, 188—.

Assistant [or Second Assistant] Secretary of State,  
Washington, D. C. :

SIR: I have to report that, on the 10th instant, the ship Boston, of New York, bound for this port, took fire at sea in latitude —, longitude —, — miles distant from this port. No passengers were on board. The officers and crew took to their boats, after vain efforts to save the vessel and cargo. They were rescued and brought into this port by the British brig London, John Fox, master, whose conduct on the occasion was such as to lead me to recommend that it be suitably acknowledged by the Government of the United States. The details of the loss will be found in the protest of the master, a copy of which is inclosed. The crew are en-

tirely destitute, and have been relieved at this Consulate. They will be returned to the United States by the earliest opportunity.

I am, sir, your obedient servant,

\_\_\_\_\_,  
U. S. Consul.

[Inclosure.]

1. Copy of protest of master of ship Boston, dated August 30, 1880.

FORM No. 8.

*Address of envelopes.* (Paragraph 149.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_.

To the

Secretary of State,  
Washington,  
D. C.

The words "Commerce," "Accounts," should be written in the left-hand lower corner when the dispatch relates exclusively to either of these subjects.

FORM No. 9.

*Consular passport.* (Paragraph 159.)

CONSULATE OF THE UNITED STATES OF AMERICA.

- *To all to whom these presents shall come, greeting:*

Age, — years.  
Stature.  
Forehead.  
Eyes.  
Nose.  
Mouth.  
Chin.  
Hair.  
Complexion.  
Face.

I, the undersigned, Consul of the United States of America for \_\_\_\_\_, and the dependencies thereof, hereby request all whom it may concern to permit safely and freely to pass \_\_\_\_\_, a citizen of the United States, and, in case of need, to give him all lawful aid and protection.

Given under my hand and the seal of the Consulate at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—, and in the year of the Independence of the United States \_\_\_\_\_.

[SEAL.] \_\_\_\_\_

FORM No. 10.

*Form for a visa of a passport.* (Paragraph 164.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

Good for [the place to which the holder of the passport is going.] \_\_\_\_\_

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 11.

*Qualified passport.* (Paragraph 173.)

CONSULATE OF THE UNITED STATES OF AMERICA.

*To all to whom these presents shall come, greeting :**Description.*

Age, — years.  
 Stature, — feet — inches, Eng.  
 Forehead.  
 Eyes.  
 Nose.  
 Mouth.  
 Chin.  
 Hair.  
 Complexion.  
 Face.

[Signature of the bearer.]

I, the undersigned, ———, hereby request all whom it may concern to permit safely and freely to pass ———, a citizen of the United States, and, in case of need, to give him [or her] all lawful aid and protection; but the right of the said ——— to ask of the United States, its officers and agents, such aid and protection, is limited and qualified by the obligations and duties which attach to him [or her] under the laws of the Kingdom [Empire or Republic] of ——— in which he [or she] was born, (his [or her] father being then a citizen of the United States), and where he [or she] now resides.

Given, &c.,  
 [SEAL.]

## FORM No. 12.

*Certificate to be used in prosecutions of masters of vessels for refusal to deposit papers.* (Paragraph 183.)

UNITED STATES CONSULATE, ———, 188—.

SIR: A penalty is supposed to have been incurred by [James Johnson] of [New Orleans, commander of the brig Jackson, of that place] for a violation of sections 4309 and 4310 of the Revised Statutes of the United States for [refusing to deposit the papers of the said brig with such Consul], and for which he is liable to be prosecuted in my name, as Consul of the United States for this port.

You, or the proper law officer of the United States, are authorized, at their proper costs and charges, to institute in my name a suit to recover the same for their use and benefit, and the same to control, and to discharge, according to law, in such court having jurisdiction thereof, as you or he shall deem proper.

Witness my hand and consular seal.

[L. S.]

\_\_\_\_\_  
U. S. Consul.Hon. \_\_\_\_\_,  
Secretary of State.

## FORM No. 13.

*Certificate given to master on deposit of ship's register and papers. (Paragraph 184.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul of the United States of America for \_\_\_\_\_, and the dependencies thereof, do hereby certify that \_\_\_\_\_, master of the \_\_\_\_\_, has duly deposited in this Consulate the register of the said \_\_\_\_\_, together with the crew list and shipping articles.

Given under my hand and the seal of this Consulate, the day and year above written.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 14.

*Certificate given to master on delivery of ship's register and papers. (Paragraph 185.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul of the United States of America for \_\_\_\_\_, and the dependencies thereof, do hereby certify that \_\_\_\_\_, master of the ship or vessel called the \_\_\_\_\_, of \_\_\_\_\_, having this day exhibited to me the clearance of said vessel from the proper authorities of this port, I have delivered to him, the said master, the register and papers of the said vessel, duly deposited in this Consulate on the \_\_\_\_\_ day of \_\_\_\_\_, 188—.

Given under my hand and the seal of this Consulate, the day and year above written.

[L. S.]

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 15.

*Shipping agreement between master and crew. (Paragraph 190.)*

UNITED STATES OF AMERICA:

(Date and place of first signature of agreement, including name of Consular Officer.)

It is agreed between the master and seamen or mariners of the \_\_\_\_\_, of which \_\_\_\_\_ is at present master, or whoever shall go for master, now lying in the port of \_\_\_\_\_, \_\_\_\_\_, and bound from said port of \_\_\_\_\_ to \_\_\_\_\_ (here the voyage is to be described and the

places named at which the ship is to touch; or if that cannot be done, the general nature and probable length of the voyage is to be stated).

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful command of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay to the said crew as wages the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement or willful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by \_\_\_\_\_, master, on the \_\_\_\_\_ day of \_\_\_\_\_, eighteen hundred and \_\_\_\_\_.

Signature of crew.		Height.		Description.	Time of service.		Hospital money.	Whole wages.	Wages due.	Place and time of entry.	Time at which he is to be on board.	In what capacity.	Shipping-commissioner's signature or initials.	Allotment payable to—	Conduct, qualifications.
Birth-place.	Age.	Feet.	Inches.		Complexion.	Hair.									
						Wages per month.									
						Advance wages.									
						Amount of monthly allotment.									

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship the entries are to be made as above, except that the signature of the Consul or Vice-Consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping-master.

*Account of apprentices on board.*

Christian and surname of apprentice in full.	Date of registry of indenture.	Port at which indenture was registered.	Date of registry of assignment.	Port at which assignment was registered.

TABLE D.—(To be inserted in agreement.)—Scale of provisions to be allowed and served out to the crew during the voyage.

	Bread.	Beef.	Pork.	Flour.	Pease.	Rice.	Barley.	Tea.	Coffee.	Sugar.	Water.
	Lbs.	Lbs.	Lbs.	Lbs.	Pts.	Pts.	Pts.	Ozs.	Ozs.	Ozs.	Qts.
Sunday .....	1	1½	1½	½	½	.....	.....	½	½	2	3
Monday .....	1	1½	1½	½	½	.....	.....	½	½	2	3
Tuesday .....	1	1½	1½	½	½	.....	.....	½	½	2	3
Wednesday .....	1	1½	1½	½	½	.....	.....	½	½	2	3
Thursday .....	1	1½	1½	½	½	.....	.....	½	½	2	3
Friday .....	1	1½	1½	½	½	.....	.....	½	½	2	3
Saturday .....	1	1½	1½	½	½	.....	.....	½	½	2	3

(Here any stipulation for changes, or substitution of one article for another, may be inserted.)

## SUBSTITUTES.

One ounce of coffee, or cocoa, or chocolate, may be substituted for one-quarter ounce of tea; molasses for sugar, the quantity to be one-half more; one pound of potatoes or yams; one-half pound flour or rice; one-third pint of pease or one-quarter pint of barley may be substituted for each other. When fresh meat is issued, the proportion to be two pounds per man per day, in lieu of salt meat. Flour, rice, and pease, beef and pork, may be substituted for each other, and for potatoes onions may be substituted.

## FORM No. 16.

*Acknowledgment and indorsement on such agreement.* (Paragraph 190.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_.

On this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 188—, appeared before me \_\_\_\_\_, Consul of the United States, at \_\_\_\_\_, A B, &c., all personally known to me, and in my presence signed the within agreement with my sanction, and in all respects complied with the requirements of the act approved June 7, 1872, entitled "An act to authorize the appointment of shipping-commissioners by the several circuit courts of the United States, to superintend the shipping and discharge of seamen engaged in merchant-ships belonging to the United States, and for the further protection of seamen." And I do certify that the said A B, &c., each for himself acknowledged that he had read or had heard read the said agreement and understood the same, and that while sober and not in a state of intoxication he signed it freely and voluntarily for the uses and purposes therein mentioned.

Given under my hand and the seal of this Consulate the day and year first above written.

[SEAL.]

\_\_\_\_\_, Consul.

## FORM No. 17.

*Certificate of discharge of seamen, to be attached to crew-list and shipping-articles.* (Paragraph 209.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_, \_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that the *under-named* seamen or mariners have been duly discharged at this port from the \_\_\_\_\_ of \_\_\_\_\_, according to law; \_\_\_\_\_, the master of the said \_\_\_\_\_, having deposited in this Consulate the extra wages as hereinafter set opposite to their names, respectively, viz:

Date of discharge.	Name of seaman or mariner.	Number of months' extra wages.	Amount.

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 18.

*Certificate given to seamen at the time of discharge. (Paragraph 209.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I hereby certify that \_\_\_\_\_ has been duly discharged, according to law, from the \_\_\_\_\_, of \_\_\_\_\_.

(Seal of the Consulate.)  
*Gratis.*

\_\_\_\_\_,  
*U. S. Consul.*

NOTE.—Duplicate discharges will not be granted to the seaman or mariner in the event of the loss of the original.

## FORM No. 19.

*Certificate and oath of a new master appointed by Consul. (Paragraphs 213-215)*

I, \_\_\_\_\_, do solemnly and truly swear that I am a citizen of the United States of America, having been born in \_\_\_\_\_ [or naturalized, as the case may be].

Sworn and subscribed to this \_\_\_\_\_ day of \_\_\_\_\_, before me.

\_\_\_\_\_,  
*U. S. Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul of the United States of America, &c., do hereby certify that \_\_\_\_\_, having taken and subscribed the oath required by law, is at present master of the \_\_\_\_\_, of \_\_\_\_\_, in lieu of \_\_\_\_\_, the former master.

Given, &c.

\_\_\_\_\_,  
*U. S. Consul.*

## FORM No. 20.

*Receipt for two-thirds extra wages. (Paragraph 228.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

Received of \_\_\_\_\_, United States Consul at \_\_\_\_\_, the sum of \_\_\_\_\_ dollars, being the amount (or residue, as the case may be) of the two months' extra wages to which I am entitled under the statutes of the United States on my discharge from the \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ master.



## FORM No. 21.

*Waiver of two-thirds extra wages.* (Paragraph 230.)

I, \_\_\_\_\_, a seaman, this day discharged from the United States merchant-vessel \_\_\_\_\_, with my own consent, do hereby waive any and all claim to the two months' extra wages which would otherwise be coming to me by law, and do authorize \_\_\_\_\_, Consul of the United States at \_\_\_\_\_, to remit the same.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188-.

## FORM No. 22.

*Order to send seamen to hospital.* (Paragraph 267.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188-.

SIR: You will please admit into your hospital \_\_\_\_\_, an invalid destitute American seaman, requiring medical aid, for account of this Consulate.

I am, sir, your obedient servant,

\_\_\_\_\_,  
U. S. Consul.

\_\_\_\_\_, M. D.

## FORM No. 23.

*Certificate given to masters whose seamen leave hospital against physician's advice.* (Paragraph 267.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188-.

I, the undersigned, Consul, &c., do hereby certify that \_\_\_\_\_, who has been duly shipped before me in the \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ master, was sent to the hospital at this port by me upon his own application, and, after being examined by the attending physician of the said hospital, was pronounced a fit subject and duly admitted to be cured of the \_\_\_\_\_ disease. That, contrary to the advice and opinion of the said attending physician, the said \_\_\_\_\_ left the hospital a few days thereafter, insisting that he was well and able to do seaman's duty and return home. That, in consequence of his ill-health and liability to go upon the sick-list at sea, several masters of American vessels refused to ship him before he entered on board of the \_\_\_\_\_ as aforesaid; and this certificate is granted to Captain \_\_\_\_\_, at his own request, to protect him hereafter should the said \_\_\_\_\_, in consequence of the disease aforesaid, be unable to perform the duty required of him as a seaman on the voyage from this port to \_\_\_\_\_.

Given; &c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 24.

*Certificate given to masters when required to take to the United States destitute American seamen. (Paragraph 275.)*

CONSULATE OF THE UNITED STATES OF AMERICA,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul of the United States of America for \_\_\_\_\_, and the dependencies thereof, do hereby certify that I have sent to \_\_\_\_\_ by the \_\_\_\_\_, whereof \_\_\_\_\_ is master, A B, C D, and E F, three destitute American seamen, and have agreed with the said master that, on presentation of this certificate at the Treasury Department, bearing an indorsement of the collector of customs at the port of \_\_\_\_\_, aforesaid, that the seamen herein mentioned have arrived in said vessel within his district, he shall and will be entitled to receive the sum of thirty dollars for their passage, being the sum of ten dollars for each seaman, in conformity to the laws of the United States made and provided for the relief of destitute American seamen.

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 25.

*Certificate given to masters when required to take to the United States more than two seamen for one hundred tons burden of a vessel. (Paragraph 277.)*

CONSULATE OF THE UNITED STATES OF AMERICA,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that I have sent to \_\_\_\_\_, by the \_\_\_\_\_, whereof \_\_\_\_\_ is master, G H and I J, two destitute American seamen over and above the number said vessel is by law required to take, and have agreed with the said master that, on presentation of this certificate at the Treasury Department, bearing the indorsement of the collector of customs at the port of \_\_\_\_\_, aforesaid, that the seamen herein mentioned have arrived in said vessel within his district, he shall and will be entitled to receive the sum of \_\_\_\_\_ dollars for their passage, being the sum of \_\_\_\_\_ dollars for each seaman, there being no other American vessel now in port bound for the United States in which to send home said seamen, in conformity to the provisions of the laws of the said States made and provided for the relief of destitute American seamen.

Given, &c.,

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 26.

*Affidavit or certificate of attending physician. (Paragraph 278.)*

I hereby swear (or certify, as the case may be) that A B, C D, and E F, sick American seamen, were attended by me during the quarter ending the

— day of —, 188—, and that the health of the said named persons was such during that time that it would have endangered their lives to have sent them on their homeward voyage.

—, M. D.

## FORM No. 27.

*Complaint by crew of bad quality or insufficient quantity of provisions or water.* (Paragraph 310.)

To —, Consul of the United States at —:

The undersigned, three or more of the crew of the —, a merchant-ship of the United States, complain that the provisions [or water] [or both] for the use of the crew of the said vessel are of bad quality and unfit for use [or are deficient in quantity], and request an examination of the same according to law.

Dated at —, the — day of —, 188—.

[Signatures.]

## FORM No. 28.

*Notice to master of result of examination on complaint of crew.* (Paragraph 310.)

CONSULATE OF THE UNITED STATES AT —.  
—, 188—.

To —, master of the —, a merchant-ship of the United States,  
now in this port:

I hereby signify to you in writing that on complaint made on the — day of —, by —, —, and —, a part of the crew of the said vessel, I have this day examined the provisions [and water] [or either of them as the case may be] for the use of the crew of the said vessel, and have found them to be [or not to be] of bad quality and unfit for use [or deficient in quantity].

Given under my hand and the seal of the Consulate this — day of —, A. D. 188—.

[SEAL.]

—, U. S. Consul.

## FORM No. 29.

*Entry of result of examination in log-book of vessel.* (Paragraph 310.)

CONSULATE OF THE UNITED STATES AT —,  
—, 188—.

On complaint made by —, —, and —, a part of the crew of the —, I have this day examined (as in form 28).  
—, U. S. Consul.

## FORM NO. 30.

*Report to the district judge of the United States. (Paragraph 310.)*

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

To \_\_\_\_\_, *district judge of the United States for the district of* \_\_\_\_\_:

In compliance with the provisions of Title LIII of the Revised Statutes, I have the honor to report that, on the \_\_\_\_\_ day of \_\_\_\_\_, 188—, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, a part of the crew of the \_\_\_\_\_, a merchant-ship of the United States then in this port, bound for the port of \_\_\_\_\_, made complaint to me that [recite complaint]; that thereupon, on the \_\_\_\_\_ day of \_\_\_\_\_, I examined the said provisions and water, and found them [recite finding], and signified the same in writing to the master, and entered a statement thereof in the log-book of the said \_\_\_\_\_.

Witness my hand and the Consular seal at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 188—.

[SEAL.]

\_\_\_\_\_  
U. S. Consul.

## FORM NO. 31.

*Request to local authorities to imprison seamen or mariners. (Paragraphs 319 and 368.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

SIR: \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, part of the crew of the \_\_\_\_\_ of \_\_\_\_\_, whereof \_\_\_\_\_ is master, recently arrived in this port from \_\_\_\_\_, having conducted themselves in an improper and insubordinate manner on board, and positively refused to do duty, I have the honor respectfully to request that you will please cause the said named persons to be arrested, brought on shore, and imprisoned until I can find it expedient to give them their liberty.

I have the honor to be, sir, your obedient servant,

\_\_\_\_\_  
U. S. Consul.

To \_\_\_\_\_,

*Captain [or other authorities of the port].*

## FORM No. 32.

*Request to same to release same from prison. (Paragraphs 319 and 368.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

SIR: I have the honor to request that you will please cause to be released from prison \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, the seamen or mariners belonging to the \_\_\_\_\_, \_\_\_\_\_, master.

I have the honor to be, sir,

\_\_\_\_\_,  
U. S. Consul.

To \_\_\_\_\_,  
Captain [or other authorities of the port].

## FORM No. 33.

*Oath and declaration of master to desertion of seamen or mariners. (Paragraph 294.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, \_\_\_\_\_, master of the ship \_\_\_\_\_, of \_\_\_\_\_, now lying in the port of \_\_\_\_\_, do hereby make oath, in due form of law, that the seamen or mariners hereinafter named, and who are noted on the crew-list of the said vessel as deserters, absconded from the said ship \_\_\_\_\_, at the ports or places hereinafter named, without my knowledge or consent, at or about the times hereinafter placed opposite their names respectively.

And I, the said \_\_\_\_\_, master, do further declare that the said seamen or mariners, deserters as aforesaid, were duly shipped, at the time and place and for the monthly wages and advance hereinafter stated and as per contract of shipping-articles; that the wages advanced abroad, expenses incurred on account of desertion, goods supplied to said seamen or mariners, as hereinafter stated opposite to their names, respectively, were honestly, justly, and truly advanced, expended, incurred, and supplied, as stated, to and for account of said seamen or mariners; and I do likewise declare that the balance of wages due on account of said seamen or mariners, deserters as aforesaid, placed hereinafter opposite their respective names, as aforesaid, is the true, correct, and just balance which the said seamen or mariners would have been entitled to had they been duly discharged and paid off, for the period of time mentioned, and for which he has to account to the collector of customs of the port where the crew of said vessel are accounted for, as forfeited wages, to become the property of the United States.

And I, the said master, do further swear that I exercised due diligence, with all proper and available co-operation and assistance, to recover and

secure such of said seamen or mariners as deserted at this port, but without success.

Names of desert- ers.	Date of shipment.		Place and time of de- sertion.		Time of service on board.		Wages due to day of desertion.		Advance wages.		Wages or moneys ad- vanced aboard.		Expenses incurred on account of desertion.		Goods supplied.		Amount of wages for- feited to become the property of the U. S.		
	Place of shipment.	Monthly wages.	Port or place.	Month.	Day.	Month.	Day.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.

Subscribed and sworn to before me, \_\_\_\_\_, Consul of the United States, this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

[SEAL.]

\_\_\_\_\_  
U. S. Consul.

FORM No. 34.

*Request to local authorities for the arrest of deserters.* (Paragraph 319.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

SIR: \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, three of the seamen belonging to the \_\_\_\_\_, of \_\_\_\_\_, whereof \_\_\_\_\_ is master, recently arrived from \_\_\_\_\_, having absconded at this port from the said \_\_\_\_\_, I have the honor respectfully, in pursuance of the provisions of the terms of the treaty of \_\_\_\_\_, 18—, between the United States and \_\_\_\_\_, to request that you will please cause warrants to be issued for their arrest and imprisonment, and that they be retained subject to the order of this Consulate.

I have the honor to be, sir,

\_\_\_\_\_  
U. S. Consul.

To \_\_\_\_\_.

## FORM No. 35.

*Certificate to be issued to citizens of the United States being purchasers of American or foreign-built vessels in a foreign port. (Article XX.)*

I, \_\_\_\_\_, Consul of the United States for the port of \_\_\_\_\_, do hereby certify that the within bill of sale, bearing date the \_\_\_\_\_ day of \_\_\_\_\_, of the \_\_\_\_\_ [here describe the vessel, her tonnage, denomination, name, &c.], sold and transferred by \_\_\_\_\_ to \_\_\_\_\_, has been proved satisfactorily to me to have been duly executed by the subscribing part—; and I further certify that \_\_\_\_\_ therein mentioned as purchaser of said vessel \_\_\_\_\_ citizen of the United States.

As witness my hand and seal of the Consulate, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord 18—.

[L. s.]

\_\_\_\_\_  
U. S. Consul.

## FORM No. 36.

Port of \_\_\_\_\_.

## THE UNITED STATES OF AMERICA.

NATIONAL BOARD OF HEALTH.

*Bill of health. (Paragraph 356.)*

I \_\_\_\_\_ (Consul, Consular Agent, or other officer empowered by law to sign), at the port of \_\_\_\_\_, do hereby state that the vessel herein-after named clears from this port under the following circumstances:

Name of vessel, \_\_\_\_\_.

Nature—(Vessel of war, ship, schooner, &amp;c.) \_\_\_\_\_.

Tonnage, \_\_\_\_\_.

Guns, \_\_\_\_\_.

Apartments for passengers, No. \_\_\_\_\_.

Where last from, \_\_\_\_\_.

Destination, \_\_\_\_\_.

Name of captain, \_\_\_\_\_.

Name of medical officer (if any), \_\_\_\_\_.

Total number of crew, \_\_\_\_\_.

Total number of passengers..	}	First cabin, _____.
		Second cabin, _____.
		Steerage, _____.

Cargo, \_\_\_\_\_.

Sanitary history of the vessel:

1. Sanitary condition of vessel (before and after reception of cargo, with note of any decayed wood). Note disinfection of vessel.
2. Sanitary condition of cargo.
3. Sanitary condition of crew.
4. Sanitary condition of passengers.

5. Sanitary condition of clothing, food, water, air-space and ventilation (to be in quantity as required by Revised Statutes).
6. Sanitary condition of port and adjacent country—
  - a. Prevailing disease, if any.
  - b. Number of cases of and deaths from yellow fever, Asiatic cholera, plague, small-pox, or typhus fever during the week preceding.
7. Any circumstances affecting the public health existing in the port of departure to be here stated.

Clean. { I certify that I have personally inspected the said vessel, and that the above statements are correct; that good health is enjoyed in this port and the adjacent country, without any suspicion of yellow fever, Asiatic cholera, or plague; that neither small-pox nor typhus fever exists as an epidemic; that the sanitary condition of the vessel, cargo, crew, and passengers is good; that the rules and regulations prescribed by the National Board of Health have been complied with, and that the [name of vessel] leaves this port in *free pratique*, bound for \_\_\_\_\_, U. S. of A.

Or,

Foul. { I certify that I have personally inspected the said vessel, and that the above statements are correct, and that she leaves this port bound for \_\_\_\_\_, U. S. of A., in *quarantine*.

In witness whereof I have hereunto set my hand and the seal of office, at the port of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18—, — o'clock —.

[SEAL.]

[*Consul-General, Consul, Commercial Agent, Sanitary Officer, et al.*]

FORM No. 37.

*Marine note of protest.* (Paragraph 365.)

CONSULATE OF THE UNITED STATES OF AMERICA,

Port of \_\_\_\_\_,  
\_\_\_\_\_, 188—.

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord eighteen hundred and \_\_\_\_\_, before me, \_\_\_\_\_, Consul of the United States of America for \_\_\_\_\_ and the dependencies thereof, personally appeared \_\_\_\_\_, master of the ship or vessel called the \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons or thereabouts, and declared that, on the \_\_\_\_\_ day of \_\_\_\_\_, last past, he sailed in and with the said ship from the port of \_\_\_\_\_, laden with \_\_\_\_\_, and arrived in the said ship at \_\_\_\_\_, on \_\_\_\_\_ [here insert the day and hour]; and having experienced boisterous weather on the voyage, hereby enters this note of protest accordingly, to serve and avail him hereafter, if found necessary.

\_\_\_\_\_, *Master.*

Attested:

*U. S. Consul.*



## FORM NO. 38.

*Extended protest of ship* ———, *master* ———, 18—. (Paragraph 365.)

CONSULATE OF THE UNITED STATES OF AMERICA,

*Port of* ———,  
————, 188—.

By this public instrument of declaration and protest, be it known and made manifest unto all to whom these presents shall come or may concern that, on the — day of —, one thousand eight hundred and —, before me, ———, Consul of the United States of America for ——— and the dependencies thereof, personally came and appeared ———, master of the ship or vessel called the ———; of ———, of the burden of ——— tons or thereabouts, then lying in this port of ———, laden with ——— cargo, who duly noted and entered with me, the said Consul, his protest for the uses and purposes hereafter mentioned; and now, on this day, to wit, the day of the date hereof, before me, the said Consul, again comes the said ———, and requires me to extend this protest; and together with the said ——— also comes A B, mate, G H, carpenter, K L and M O, seamen, of and belonging to the said ship, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did severally, voluntarily, freely, and solemnly declare, depose, and state as follows, that is to say: That these appearers, on the — day of —, in their capacities aforesaid, sailed in and with the said — from the port of —, laden with —, and bound to the port of —; that the said ship was then tight, staunch, and strong; had her cargo well and sufficiently stowed and secured; had her hatches well calked and covered; was well and sufficiently manned, victualled, and furnished with all things needful and necessary for a vessel in the merchant service, and particularly for the voyage she was about to undertake; that [here insert narrative of the facts of the voyage as they occurred, with full and minute particulars, with dates, latitude, longitude, &c.]

And these said appearers, upon their oaths aforesaid, do further declare and say: That during the said voyage they, together with the others of the said ship's company, used their utmost endeavors to preserve the said — and cargo from all manner of loss, damage, or injury. Wherefore the said ———, master, hath protested, as by these presents I, the said Consul, at his special instance and request, do publicly and solemnly protest against all and every person and persons whom it doth or may concern, and against the winds, and waves, and billows of the seas, and against all and every accident, matter and thing, had and met with, as aforesaid, whereby, and by reason whereof, the said — or cargo already has or hereafter shall appear to have suffered or sustained damage or injury. And do declare that all losses, damages, costs, charges, and expenses that have happened to the said — or cargo, or to either, are and ought to be borne by those to whom the same by right may appertain by way of average or otherwise, the same having occurred as before mentioned, and not by or through the insufficiency of the said —, her tackle or apparel, or default or neglect of this appearer, his officers, or any of his mariners.

Thus done and protested in the port of ———, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

In testimony whereof these appearers have hereunto subscribed their names, and I, the said Consul, have granted to the said master this public instrument, under my hand and the seal of this Consulate, to serve and avail him and all others whom it doth or may concern, as need and occasion may require.

[SEAL OF THE CONSULATE.]

—————,  
U. S. Consul.

*Master.*

A B, *Mate.*

G H, *Carpenter.*

K L, *Seaman.*

M O, *do.*

FORM No. 39.

*Protest of the master of a vessel against charterers or freighters.* (Paragraph 365.)

Whereas the surveyors of the ship ———, of ———, ——— ——— master, of the ——— day of ———, have recommended the said ship to proceed to a port of discharge, in the United States, after temporary repairs, and with as much cargo as will render her perfectly safe, and that she be there thoroughly overhauled and permanently repaired: And whereas, in order to reach a port of discharge with safety and dispatch, where the repairs recommended in the said survey may be done and performed, it is better for all parties concerned that the voyage should be made direct from the port of ——— to the said port of permanent repair in the United States: And whereas ——— ———, master of the ship ———, of ———, aforesaid, has determined to proceed direct to the port of ———, there to thoroughly overhaul and repair the said ship, as recommended by the said survey, but in order to accomplish this end, and in lieu of touching at ——— for orders, and for the privilege of the said direct port, he has been obliged to give up and yield to the charterers of the said ship one dollar per ton upon the number of tons of ———, delivered at the said port of ———, amounting in the aggregate to the sum of ——— dollars, more or less: Now know all men by these presents, that on the day of the date hereof, before me, ——— ———, Consul of the United States of America for ———, and the dependencies thereof, personally came and appeared ——— ———, before named, and after stating the facts contained in the foregoing premises, hath protested, like as by these presents, I, the said Consul, at his special instance and request, do publicly and solemnly protest, against all and every person and persons whom it doth, shall, or may concern, and against the charterers of the said ship, for exacting the amount of ——— dollars, aforesaid, claiming and demanding the reimbursement of the same from those to whom the same of right may appertain by way of average or otherwise upon the arrival of the vessel at the port of permanent repairs as aforesaid.

In testimony whereof the said \_\_\_\_\_ hath hereunto subscribed his name, and I, the said Consul, set my hand and affixed the seal of this Consulate, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 188—.

[L. S.]

\_\_\_\_\_  
U. S. Consul.

\_\_\_\_\_  
Master of the \_\_\_\_\_.

FORM No. 40.

*Certificate as to insubordinate conduct of crew.* (Paragraphs 366-367.)

UNITED STATES CONSULATE, \_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, seamen or mariners, belonging to the ship \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ master, were placed in irons on board of the said ship by the said master for refusal of duty and insubordinate conduct, and afterward taken on shore and imprisoned with my consent. Given, &c.

\_\_\_\_\_  
U. S. Consul.

FORM No. 41.

*Consul's decision and award in cases of protest against masters, passengers, or crew.* (Paragraphs 366-367.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

Whereas \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, recently arrived in this port of \_\_\_\_\_, from \_\_\_\_\_, has entered formal protest on the books in this Consulate, under date of the \_\_\_\_\_, 18—, against \_\_\_\_\_, passengers in the said \_\_\_\_\_ on the passage aforesaid, named in the said protest, for mutinous conduct on the high seas, and against carrying them to \_\_\_\_\_: And whereas the officers, crew, and part of the passengers of said vessel have likewise entered solemn protest, under date \_\_\_\_\_, against the said named persons, and against their proceeding with them in the said vessel:

Now, therefore, I, the undersigned, Consul of the United States of America, having entertained the complaint and grievances set forth in said protest, having first required and obtained from the said master a specified list of the charges preferred by him against the said \_\_\_\_\_ passengers, consisting of \_\_\_\_\_ distinct charges, and having duly sworn and respectively examined the witnesses to same, in number \_\_\_\_\_ persons, who deposed to the truth of the said charges as follows, to wit: \_\_\_\_\_ to the first accusation; \_\_\_\_\_ to the second; \_\_\_\_\_ to the third; \_\_\_\_\_ to the fourth; \_\_\_\_\_ to the fifth; \_\_\_\_\_ to the sixth; and having furthermore admitted and duly sworn and respectively examined \_\_\_\_\_ persons \_\_\_\_\_ on the part of said \_\_\_\_\_ accused; and having duly and impartially weighed the testimony adduced on both sides, do hereby adjudge

and declare as follows, that is to say : [ Here state the decision and award of the Consul. ]

Given at this Consulate, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_.

[ L. s. ]

\_\_\_\_\_,  
U. S. Consul.

FORM No. 42.

*Call of survey on a vessel.* (Paragraph 329.)

No. 1.] \_\_\_\_\_, 188—.

\_\_\_\_\_, Esq.,  
United States Consul at \_\_\_\_\_ :

SIR: The ship \_\_\_\_\_, under my command, arrived at this port the \_\_\_\_\_ instant, from \_\_\_\_\_, laden with \_\_\_\_\_, in a damaged and leaky condition, and I have, therefore, to request that you will please call a survey upon the said ship in order to ascertain her present state and condition, and what had best be done for the interest of the parties concerned.

Very respectfully, &c.,

\_\_\_\_\_, Master.

FORM No. 43.

*Warrant to survey a vessel.* (Paragraph 329.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

Messrs. A B, *Master of the Ship* \_\_\_\_\_, of \_\_\_\_\_.

C D, *Master of the Ship* \_\_\_\_\_, of \_\_\_\_\_.

E F, *Master Ship-Carpenter* at \_\_\_\_\_.

GENTLEMEN: Application having been made to this Consulate by \_\_\_\_\_, master of the ship \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, or thereabouts, for survey upon the said ship, in consequence of having sustained damages and injuries in the prosecution of her voyage from \_\_\_\_\_ to this port, laden with \_\_\_\_\_, whereby she became \_\_\_\_\_, you are hereby respectfully requested to repair alongside and on board the said ship, and after a careful and minute examination and survey of every visible part of her hull, spars, sails, and rigging, report to this Consulate, under your own hands, in writing, her present state and condition, and what, in your opinion, had best be done for the interest of the parties concerned.

Given under my hand and the seal of this Consulate, the day and year above written.

[Seal of the Consulate.]

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 44.

*Report of survey on a vessel.* (Paragraph 329.)

No. 3.]

Pursuant to the accompanying warrant of survey, to us directed by \_\_\_\_\_, United States Consul at \_\_\_\_\_, we, the undersigned, repaired alongside and on board of the ship \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, or thereabouts, recently arrived in this port from \_\_\_\_\_, in a damaged and leaky condition, laden with \_\_\_\_\_, and after a careful and minute examination of every visible part of her hull, spars, sails, and rigging, do report as follows, viz:

We therefore recommend, in order to a further examination, and to ascertain, if possible, the cause and extent of the leak or leaks, that the cargo be discharged forthwith.

In confirmation of which we are willing, if required, to attest.

Given under our hands at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—.

\_\_\_\_\_  
Master of the Ship \_\_\_\_\_, of \_\_\_\_\_.

\_\_\_\_\_  
Master of the Ship \_\_\_\_\_, of \_\_\_\_\_.

\_\_\_\_\_  
Master Ship-Carpenter at \_\_\_\_\_.

Received \_\_\_\_\_ dollars for holding the above survey.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_

## FORM No. 45.

*Certificate authenticating the signatures of surveyors.* (Paragraph 329.)

No. 4.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that the foregoing are the true and genuine signatures of \_\_\_\_\_, \_\_\_\_\_; and \_\_\_\_\_, surveyors, appointed by me, of the ship \_\_\_\_\_, of \_\_\_\_\_, and as such are entitled to full faith and credit.

Given, &c.,

\_\_\_\_\_  
U. S. Consul.

\_\_\_\_\_

## FORM No. 46.

*Second call of survey on a vessel.* (Paragraph 329.)

No. 1.]

\_\_\_\_\_, 188—.

\_\_\_\_\_, Esq.,  
United States Consul at \_\_\_\_\_:

SIR: The cargo of the ship \_\_\_\_\_, of \_\_\_\_\_, under my command, being now discharged, I have therefore respectfully to request that you will



## FORM No. 49.

*Certificate authenticating signatures of second surveyors.* (Paragraph 329.)

No. 4.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that the foregoing are the true and genuine signatures of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, the persons appointed by me on the second survey of the ship \_\_\_\_\_, and as such are entitled to full faith and credit.

Given, &c.

[Seal of the Consulate.]

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 50.

*Estimate of repairs.* (Paragraph 329.)

Estimate of the probable cost of repairing the \_\_\_\_\_, of \_\_\_\_\_, agreeably to the recommendations contained in the report of survey of the \_\_\_\_\_ instant, and in accordance with the cost of labor and material at the port of \_\_\_\_\_, as follows, viz:

For heaving ship down on both sides, including use of hulk, blocks, falls, tackle, &c. (or, as the case may be, placing in dock).....	\$
For taking out planks.....	
For _____ feet of plank, at \$_____ per M.....	
For _____ carpenters, _____ days each, _____ days, at \$_____...	
For _____ lbs. nails.....	
For _____ lbs. copper spikes.....	
For _____ sheet felt.....	
For _____ lbs. oakum.....	
For _____ barrels pitch.....	
For _____ barrels tar.....	
For _____ barrels rosin.....	
For _____ sheets copper, _____ lbs. at _____.....	
For _____ lbs. copper nails.....	
For _____ calkers, _____ days each, _____ days, at \$_____.....	
For _____ carpenters.....	
For use of pitch pots, boys, &c.....	
For superintendence of master-carpenter.....	

\_\_\_\_\_, 18—.

\_\_\_\_\_,  
Master Ship-Carpenter.

## FORM No. 51.

*Certificate authenticating signature to estimate.* (Paragraph 329.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that the foregoing is the true and genuine signature of \_\_\_\_\_, master ship-carpenter at \_\_\_\_\_, and as such is entitled to full faith and credit.

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 52.

*Certificate authenticating copies of call, warrant, and report of survey.*  
(Paragraph 329.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that the foregoing call, warrant, and report of survey, and the certificate thereto signed \_\_\_\_\_, United States Consul, numbered 1, 2, 3, 4, &c., hereto annexed, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined by me and compared with the said originals, and found to agree therewith word for word and figure for figure.

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 53.

*Letter to authorities in cases of sinking vessels.* (Paragraph 329.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

SIR: The surveyors of the ship \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ master, having recommended that the ship should be towed or hauled into shoal water for the safety of the vessel and cargo, as the water is gaining rapidly on the pumps, I have the honor to request that you will please have designated to the master of the \_\_\_\_\_ such moorings, in shoal water, in the harbor of \_\_\_\_\_, that, in the event of the sinking of the ship, the mooring grounds in the bay will not sustain injury.

I have the honor to be, very respectfully, &c.,

\_\_\_\_\_,  
U. S. Consul.

To \_\_\_\_\_,  
Captain of the port [or other authority.]



## FORM No. 54.

*Advertisement for funds on bottomry to repair.* (Paragraph 330.)

\$——— to \$———.

WANTED on the hull, spars, sails, rigging, and homeward freight of the ——, of ——, of the burden of —— tons register, whereof —— is master, the sum of from \$—— to \$—— for repairs and outfits to enable the said vessel to proceed to sea.

Proposals for the advance of the above sum will be received at the office of the United States Consulate at ——, until —— p. m., ——, 188—.

## FORM No. 55.

*Advertisement of sale of a vessel.* (Paragraph 330.)

Will be sold at public auction, for account of whom it may concern, the ——, of ——, —— tons registered burden, on the —— day of ——, at ——.

The above vessel was built at ——, in the year 188—, of, &c.

For further particulars apply to the United States Consulate at ——, or to the master on board, where inventories may be seen.

———, *Licensed Auctioneer.*

## FORM No. 56.

*Certificate to advertisement for funds on bottomry, where no proposals have been received.* (Paragraph 330.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ——,  
———, 188—.

Printed  
ADVERTISEMENT

to be here

AFFIXED.

I, the undersigned, Consul, &c., do hereby certify that the annexed advertisement, in English and ——, was published in the ——, printed at ——, from the —— day of —— to the —— day of ——, 188—, inclusive.

I further certify that no proposals have been received at this Consulate from any person or persons to advance the sum required by the ——, for repairs and outfit to enable

her to proceed to sea.

Given, &c.,

———, *U. S. Consul.*

Where proposals have been received and accepted, the above certificate will be changed, as follows, viz:

I further certify that the proposals of ———, to advance the amount required by the ——— for repairs and outfit to enable the said vessel to proceed to sea, of ——— twenty per centum maritime premium, were the lowest proposals received, and they are, therefore, best entitled to advance the same.

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FORM No. 57.

*Certificate to the advertisement of the sale of a vessel.* (Paragraph 330.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,  
—————, 188—.

Printed  
ADVERTISEMENT

to be here

AFFIXED.

I, the undersigned, Consul, &c., do certify that the annexed advertisement, in English and ———, was published in the ———, from the — day of ——— to the — day of ———, inclusive.

I further certify that, agreeably to the said advertisement, the ship ——— was duly sold at this port by public auction, for the sum of \$——, unto ———; he being the highest bidder therefor, as will appear by the ac-

count of sales of ———, licensed auctioneer, hereto annexed.

Given, &c.,

—————,  
*U. S. Consul.*

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FORM No. 58.

*Inventory of a ship or vessel.* (Paragraph 330.)

No. 1.]

Inventory of ship ———, of ———, of the burden of ——— tons register, advertised to be sold at ——— p. m., the — day of ———, by public auction, for account of whom it may concern, by ———, licensed auctioneer, viz:

Ship ———, with hull, spars, sails, rigging, anchors, cables, boats, tackle, as she now lies at anchor in the harbor of ———.

One spare foresail,  
One spare mainsail,  
One spare foretopsail,  
&c., &c., &c.

—————,  
*Master.*

—————, 18—.

## FORM No. 59.

*Declaration of master to inventory.* (Paragraph 330.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that, on the day of the date hereof, before me personally appeared \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, and solemnly declared that the foregoing inventory contains a true and faithful list of the tackle, apparel, and appurtenances of the said ship, together with all articles on board and belonging to her, as made out by himself this day.

Given, &amp;c.

[L. S.] \_\_\_\_\_,

*Master.*\_\_\_\_\_,  
*U. S. Consul.*

NOTE.—It is optional with the master to make this declaration.

## FORM No. 60.

*Master's letter notifying Consul of intention to sell vessel and cargo.* (Paragraph 330.)

\_\_\_\_\_, \_\_\_\_\_, 188—.

No. 3.]

\_\_\_\_\_, Esq.,  
*U. S. Consul at \_\_\_\_\_ :*

SIR: Having failed in procuring on bottomry, or otherwise, the necessary funds required to repair the \_\_\_\_\_, under my command, I desire to notify you that I am, consequently, compelled to order the sale of said vessel, without delay, by public auction, as also that part of her cargo found damaged by the surveyors thereof, and recommended to be sold immediately; thus, in my opinion, best consulting the interests of all concerned.

I inclose herewith a duplicate of my letter addressed to \_\_\_\_\_, licensed auctioneer, to be filed in the Consulate.

Very respectfully, &amp;c.,

\_\_\_\_\_,  
*Master.*

## FORM No. 61.

*Letter of master to auctioneer.* (Paragraph 360.)

No. 4.]

\_\_\_\_\_, Esq.,  
*Licensed Auctioneer at \_\_\_\_\_ :*

\_\_\_\_\_, \_\_\_\_\_, 188—.

SIR: As agent for whom it may concern, I hereby request you to advertise and sell, by public auction, to the highest bidder, the \_\_\_\_\_, her

tackle, apparel, and appurtenances, as per inventory herewith, as she now lays at anchor in this harbor; also that part of her cargo found damaged, and recommended to be sold by the board of survey, for account of whom it may concern.

You will please render distinct account of sales of ship and cargo (in triplicate), under your own hand, to the United States Consulate at this port.

I am, respectfully, &c.,

\_\_\_\_\_,  
Master.

FORM No. 62.

*Certificate authenticating copies of inventories and letters.* (Paragraph 330.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that the foregoing inventory, and the declaration thereunto, both hereto annexed, and letters signed \_\_\_\_\_, master, numbered 1, 2, 3, 4, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined by me, and compared with the said originals, and found to agree therewith word for word and figure for figure.

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

FORM No. 63.

*Account of sale of a vessel.* (Paragraph 330.)

No. 1.]

Account of sale of ship \_\_\_\_\_, of \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, sold by the undersigned, for account of whom it may concern, by order of \_\_\_\_\_, master, viz:

The ship \_\_\_\_\_, as per inventory, unto \_\_\_\_\_, for.. \$

CHARGES.

Advertising.....  
Printing inventories.....  
Government dues.....  
Auction commission.....  
Consul's attendance at sale.....

\_\_\_\_\_, 188—.

\_\_\_\_\_,  
Licensed Auctioneer.

## FORM No. 64.

*Certificate authenticating signature of auctioneer.* (Paragraph 330.)

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that the foregoing is the true and genuine signature of \_\_\_\_\_, licensed auctioneer for the port of \_\_\_\_\_, and as such is entitled to full faith and credit.

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 65.

*Certificate authenticating copy of account sale.* (Paragraph 330.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that the foregoing account sales, signed by \_\_\_\_\_, licensed auctioneer, and the certificate thereto, signed \_\_\_\_\_, United States Consul, numbered 1 and 2, are true and faithful copies of the originals filed in this Consulate, the same having been carefully examined by myself, and compared with the said originals, and found to agree therewith, word for word and figure for figure.

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 66.

*Invoice of breeding animals to be exported from \_\_\_\_\_ by \_\_\_\_\_ on \_\_\_\_\_, and consigned to \_\_\_\_\_, at \_\_\_\_\_, in the United States.*

Place of purchase or raising.	Time of purchase or raising.	Number.	Description of animals.	Cost or market value.

\_\_\_\_\_,  
Purchaser or Owner.

*Declaration and certificate to invoice of animals imported especially for breeding purposes. (Paragraph 673.)*

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 18—.

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly swear that the several animals mentioned and described in the foregoing invoice were purchased or raised by \_\_\_\_\_, at the place and time and for the price therein stated; that they are of superior breed, and will improve the stock of the United States; and that they were purchased or raised, and are now being imported to the United States, specially for breeding purposes; and that I intend to make entry of the same at the port of \_\_\_\_\_, in the United States.

Subscribed and sworn to before me, the undersigned, \_\_\_\_\_, Consul of the United States at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188—; and I certify that, to the best of my information and belief, the above described animals are intended for breeding purposes.

\_\_\_\_\_  
U. S. Consul.

FORM No. 67.

*Certificate on canceling ship's register. (Paragraph 330.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul of the United States, &c., do hereby certify that the ship \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_, master, has been duly condemned and sold, at this port, by public auction, and the register of the said ship, numbered \_\_\_\_\_, has been this day canceled, the one-half thereof delivered by me unto the said master, and the second half retained in this Consulate, to be forwarded to the Register of the Treasury.

Given, &c.

\_\_\_\_\_  
U. S. Consul.

FORM No. 68.

*Bottomry bond. (Paragraph 330.)*

KNOW ALL MEN BY THESE PRESENTS, That I, \_\_\_\_\_, now master and commander of the \_\_\_\_\_ or vessel called the \_\_\_\_\_, of the burden of \_\_\_\_\_ tons, or thereabouts, now lying in the port of \_\_\_\_\_, am held and firmly bound unto \_\_\_\_\_, in the sum of \_\_\_\_\_, lawful money of the United States of America, to be paid to the said \_\_\_\_\_, or to \_\_\_\_\_ certain attorney, executors, administrators, or assigns; for which payment, well and truly to be made, I bind myself, my heirs, executors, and administrators, and also the said vessel, her tackle, apparel, and furniture, firmly by these presents, sealed with my seal, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and

\_\_\_\_\_. Whereas the above bounden \_\_\_\_\_ hath been obliged to take up and borrow, and hath received of the said \_\_\_\_\_, for the use of the said vessel, and for the purpose of fitting the same for sea, the sum of \_\_\_\_\_, lawful money of the United States of America, which sum is to be and remain as a lien and bottomry on the said vessel, her tackle, apparel, and furniture, \_\_\_\_\_, at the rate or premium of \_\_\_\_\_ for the voyage: In consideration whereof, all risks of the seas, rivers, enemies, fires, pirates, &c., are to be on account of the said \_\_\_\_\_ . And for the better security of the said sum and premium, the said master doth, by these presents, hypothecate and sign over to the said \_\_\_\_\_, \_\_\_\_\_ heirs, executors, administrators, and assigns, the said vessel, her tackle, apparel, and furniture, \_\_\_\_\_. And it is hereby declared, that the said vessel \_\_\_\_\_ is thus hypothecated and assigned over for the security of the money so borrowed and taken up as aforesaid, and shall be delivered for no other use or purpose whatever, until this bond is first paid, together with the premium hereby agreed to be paid thereon:

Now the condition of this obligation is such, that if the above bounden \_\_\_\_\_ shall well and truly pay or cause to be paid, unto the said \_\_\_\_\_, the just and full sum of \_\_\_\_\_, lawful money as aforesaid, being the sum borrowed, and also the premium aforesaid, at or before the expiration of \_\_\_\_\_ days after the arrival of said vessel at \_\_\_\_\_, then this obligation and the said hypothecation to be void and of no effect; otherwise, to remain in full force and virtue. Having signed and executed \_\_\_\_\_ bonds of the same tenor and date, one of which being accomplished, the other to be void and of no effect.

\_\_\_\_\_. [L. s.]

Signed, sealed, and delivered in the presence of—

\_\_\_\_\_  
\_\_\_\_\_.

FORM No. 69.

*Acknowledgment to bottomry bond.* (Paragraph 330.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, \_\_\_\_\_, Consul, &c., do hereby certify that \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, the party to the aforesaid bottomry bond or instrument of writing, personally came before me, and executed the said bond in my presence, and in presence of the witnesses thereunto, and acknowledged the same to be his free act and deed for the purposes therein mentioned.

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

FORM No. 70.

*Assignment of bottomry bond.* (Paragraph 330.)

We hereby assign our rights in the within bond to \_\_\_\_\_, merchants, of \_\_\_\_\_, that it may be paid to them or to their order.

## FORM No. 71.

*Acknowledgment to assignment of bottomry bond.* (Paragraph 330.)CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that, on the day of the date hereof, before me personally appeared \_\_\_\_\_, one of the firm of \_\_\_\_\_, parties to the foregoing assignment, and executed and acknowledged the same in my presence to be the act and deed of the said firm for the purposes therein mentioned.

Given, &amp;c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 72.

*Indorsement of bottomry on ship's register.* (Paragraph 330.)CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, described in the within register, has this day hypothecated the said vessel, \_\_\_\_\_, unto \_\_\_\_\_, merchants of \_\_\_\_\_, in the penal sum of \$\_\_\_\_\_.

Given, &amp;c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 73.

*Indorsement on register on the payment of a bottomry bond.* (Paragraph 330.)CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that, on the day and date hereof, before me personally appeared \_\_\_\_\_, and acknowledged before me the receipt of the sum of \_\_\_\_\_ dollars, called for by the terms and conditions of a bottomry bond executed by \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18—, at \_\_\_\_\_, and that the said bond has been this day duly canceled according to law.

Given, &amp;c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 74.

*Oath of master to death or loss overboard at sea of a seaman or mariner.* (Paragraph 383.)CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, master of the \_\_\_\_\_ of \_\_\_\_\_, do hereby make oath, in due form of law, that \_\_\_\_\_ died at sea [or was lost overboard at sea, as



the case may be] on board the said ship, on or about the \_\_\_\_\_ of \_\_\_\_\_, 18—, on the voyage from \_\_\_\_\_ to this port.

Subscribed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

[SEAL.]

\_\_\_\_\_  
U. S. Consul.

FORM No. 75.

*Oath of master or mate to correctness of log-book.* (Paragraph 383.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, \_\_\_\_\_ [master or mate as the case may be], of the \_\_\_\_\_, of \_\_\_\_\_, do hereby make oath, in due form of law, that the journal of the voyage from \_\_\_\_\_ to \_\_\_\_\_, commencing on the \_\_\_\_\_ and ending on the \_\_\_\_\_, and embraced within folios from \_\_\_\_\_ to \_\_\_\_\_, contains a true and faithful log, written by \_\_\_\_\_, of the transactions on board the said \_\_\_\_\_, day by day as they occurred.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

[SEAL.]

\_\_\_\_\_  
U. S. Consul.

FORM No. 76.

*Oath of master to ship's bills and vouchers for disbursements and repairs.* (Paragraph 383.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, do hereby make oath, in due form of law, that the bills and accounts hereunto annexed, numbered from \_\_\_\_\_ to \_\_\_\_\_, inclusive, are the true and genuine vouchers relating to the cost of the repairs and disbursements of the said ship at this port, superintended by himself.

\_\_\_\_\_  
Master.

Subscribed and sworn to before me the date above written.

[SEAL.]

\_\_\_\_\_  
U. S. Consul.

FORM No. 77.

*Consul's certificate for custom-house or authorities, in case of the deviation of a vessel from the voyage.* (Paragraph 383.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that the \_\_\_\_\_, of \_\_\_\_\_, \_\_\_\_\_ master, bound from \_\_\_\_\_ to \_\_\_\_\_, arrived at this

port on the ——— instant, laden with ———, in a damaged state and condition, and in order to repair the said ———, it is necessary to discharge the cargo, as appears by the note of protest of the said master, made before me the — day of ———, 18—, and the report of survey of the said vessel filed in this Consulate. I further certify that it likewise appears, from said report of survey and protest, that a part of said cargo was thrown overboard at sea on the voyage from ——— to this port.

Given, &c.

—————,  
U. S. Consul.

FORM No. 78.

*Certificate of ownership of a vessel.* (Paragraph 383.)

CONSULATE OF THE UNITED STATES OF AMERICA AT ———,  
—————, 188—.

I, the undersigned, Consul of the United States of America for ——— and the dependencies thereof, do hereby certify that the ———, of ———, of the burden of ——— tons, ——— master, was built at ———, in the year ———, and is owned by ———, of ———, State of ———.

Given, &c.

—————,  
U. S. Consul.

FORM No. 79.

*Roll or list of crew when required by the captain or authorities of the port.*  
(Paragraph 383.)

CONSULATE OF THE UNITED STATES OF AMERICA,  
—————, 188—.

Roll or list of the crew of the ———, of ———, of the burden of ———, whereof ——— is master, bound to ———.

Names of seamen or mariners.	Stations.	Country to which they belong.

Embracing in this roll ——— seamen and mariners, including the captain.

—————,  
U. S. Consul.

## FORM No. 80.

*Order to pay, at home, seamen's wages. (Paragraph 383.)*

\_\_\_\_\_, 188—.

SHIP \_\_\_\_\_ AND OWNERS:

On the termination of the voyage of the \_\_\_\_\_, pay to \_\_\_\_\_, or order, what may be due to him for his voyage in said \_\_\_\_\_, he being this day discharged at this port by mutual consent. The said \_\_\_\_\_ is entitled to the \_\_\_\_\_ lay, the ship having been out, and he having served in her, at the time of his discharge, \_\_\_\_\_ months and \_\_\_\_\_ days, and the quantity of oil and bone taken, including that held and shipped, as well as that now on board, being \_\_\_\_\_ barrels of whale oil and \_\_\_\_\_ pounds of bone.

Witness: \_\_\_\_\_

\_\_\_\_\_,  
Master.

## FORM No. 81.

*Master's acknowledgment to the same. (Paragraph 383.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, the undersigned, Consul, &c., do hereby certify that, on the day of the date hereof, before me personally appeared \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, who, in my presence, and in presence of the witnesses thereunto, signed the foregoing order, and acknowledged the same to be correct in all of its particulars, and to be his voluntary act and deed for the purposes therein mentioned.

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 81.

*Certificate of shipment of seamen or mariners attached to crew-list and shipping-articles. (Paragraph 383.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, \_\_\_\_\_, Consul of the United States of America for \_\_\_\_\_ and the dependencies thereof, do hereby certify that the seamen or mariners hereinafter named have been duly shipped at this port, before me, upon the terms and conditions set opposite their names, respectively, viz:

Names of seamen or marinere.	Stations.	Age.	Height.		Country to which they belong.	Lay or share of oil or cargo.	Monthly wages.	Advance wages.	Voyage.
			Feet.	In.					

Given, &c.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 83.

*Agreement of master to give increased wages. (Paragraph 383.)*

I, \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, taking into consideration the high rate of wages for seamen, ordinary seamen, cooks, and stewards, out of the port of \_\_\_\_\_, do hereby agree and bind myself to pay, or cause to be paid, the sum of \_\_\_\_\_ dollars to the ordinary seamen, \_\_\_\_\_ dollars to the seamen, and \_\_\_\_\_ dollars to the \_\_\_\_\_ hereinafter named, belonging to the said vessel, as increased wages, beginning from the \_\_\_\_\_ day of \_\_\_\_\_, and continuing until the termination of the voyage, agreeably to the contract of shipping-articles signed by them, a certified copy of which is hereto annexed, dated \_\_\_\_\_, 188—.

\_\_\_\_\_,  
Master.

Attested:

[L. s.] \_\_\_\_\_,  
U. S. Consul.

## FORM NO. 84.

*Form to be used when shipwrecked seamen are picked up at sea and conveyed home, or to any other port. (Paragraph 383.)*

I, \_\_\_\_\_, master of the \_\_\_\_\_, merchant-vessel, belonging to the port of \_\_\_\_\_, and of the burden of \_\_\_\_\_ tons, per register, do solemnly and sincerely declare that I received on board the said vessel at \_\_\_\_\_ the under-mentioned \_\_\_\_\_ seamen<sup>1</sup> [\_\_\_\_\_ being part or the whole of the crew of the \_\_\_\_\_, merchant-vessel, which I have heard and verily believe was on her voyage from \_\_\_\_\_ to \_\_\_\_\_, of the burden of about \_\_\_\_\_ tons, and was owned by \_\_\_\_\_, of \_\_\_\_\_].

I further declare that I landed them on the day or days, place or places, set forth in the statement underneath, and subsisted them the number of days against each person expressed, making in the whole<sup>2</sup> \_\_\_\_\_ days; and that during the whole of such time I had my full complement of men and boys, viz: \_\_\_\_\_ men and boys,<sup>3</sup> exclusive of the under-mentioned seamen, for whom I now claim subsistence; and in proof of the justice of the claim I am willing (if required) to produce my log-book, and the declaration of the mate and carpenter; and I make this solemn declaration, conscientiously believing the same to be true.

I further declare that<sup>4</sup> \_\_\_\_\_ were saved from the wrecked vessel.

Men's names.	Rating.	When received.	In what vessel shipwrecked.	From what ship received.	When and where landed, or how disposed of.		Number of days on board.
					Port.	Date.	

Declared before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

\_\_\_\_\_,  
Master.

\_\_\_\_\_,  
U. S. Consul.

<sup>1</sup>The words between [ ] must be repeated for every wrecked vessel, when more than one, to which the seamen belonged.

<sup>2</sup>The number here is to be inserted in words at length.

<sup>3</sup>If the full complement not on board, state how many were deficient.

<sup>4</sup>Here insert the words "not any provisions," or (as the case may be) "the provisions specifically stated and the value thereof."

## FORM No. 85.

*Receipt by Consul for effects of a deceased seaman. (Paragraph 387.)*

	Name of deceased seaman or apprentice.	Name of ship in which he served at time of death.	Port belonging to.	Time of death.	Place of death.	Name of master.	Particular effects, if any, delivered to shipping-master.
Port of _____ Name of seaman _____ Name of ship _____ Port belonging to _____ Name of master _____ Amount paid \$ _____ Effects delivered, if any _____ Date of receipt _____							

I certify that the above-named master has paid me the above-named sum, and has delivered to me the above-named effects, as the money, goods, and effects of the above-named deceased, which he left on board at his death, I having considered it expedient that the said money, goods, and effects should be delivered to me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

\_\_\_\_\_,  
*U. S. Consul.*

## FORM No. 86.

*Consular quarterly remittance of seamen's effects. (Paragraph 388.)*

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
 \_\_\_\_\_, 188—.

*To the District Judge of the United States for the district of \_\_\_\_\_:*

On the \_\_\_\_\_ day of \_\_\_\_\_ I received from \_\_\_\_\_, master of the United States vessel \_\_\_\_\_, goods and effects, the property of \_\_\_\_\_, a seaman on said vessel, deceased, and gave therefor the inclosed receipt. The deceased had also within the limits of my Consulate other effects not on board said vessel, as shown in the inclosed inventory. I caused the effects to be sold at auction, and now have the honor, in compliance with the provisions of section 4541 of the Revised Statutes, to inclose a statement of account, together with a draft on \_\_\_\_\_ for \_\_\_\_\_

days' sight for ———, the balance to my debit; and to say that I hold myself ready to render any further account which you may require.

Witness my hand and Consular seal at ———, the ——— day of ———, A. D. 18—.

[SEAL.]

—————,  
U. S. Consul.

FORM No. 87.

*Certificate of marriage.* (Paragraphs 415 and 416.)

CONSULATE OF THE UNITED STATES,  
—————, ———, 188—.

I, ———, Consul of the United States at ———, do hereby certify that, on this ——— day of ———, A. D. 188—, at ———, in the city of ———, A B, aged ——— years, born in ———, and now residing in ———, and C D, aged ——— years, born in ———, and now residing in ———, were united in marriage before me, and in my presence, by ———, who is authorized by the laws of ——— to perform such a ceremony.

In witness whereof I have hereto subscribed my name and affixed the seal of the consulate, at ———, this ——— day of ———, A. D. 188—, and of the Independence of the United States the ———.

—————,  
U. S. Consul.

FORM No. 88.

*Form for authentication of signatures.* (Paragraphs 383 and 443.)

UNITED STATES CONSULATE,  
—————, 188—.

I, ———, Consul of the United States at ———, do hereby certify that the signature of ———, at the foot of the paper hereto annexed, is his true and genuine signature, made and acknowledged in my presence, and that the said ——— is personally known to me.

In witness whereof I have hereunto set my hand and affixed the seal of the Consulate at ———, this day and year next above written, and of the Independence of the United States the ———.

—————,  
U. S. Consul.

## FORM No. 89.

*Certificate that an officer is qualified to administer an oath.* (Paragraphs 383 and 443.)

I, \_\_\_\_\_, Consul of the United States of America at \_\_\_\_\_, do hereby certify and make known to whom these presents shall come that \_\_\_\_\_, before whom the annexed affidavit [oath, or declaration, as the case may be] of \_\_\_\_\_ hath been made, is a Commissioner in the High Court of Chancery, in England, duly authorized to administer oaths and affirmations, and take declarations in lieu of oaths, and that I believe the deponent is worthy of credit, and qualified to verify the annexed affidavit.

In testimony whereof I have hereunto set my hand and seal of office, at \_\_\_\_\_ aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 90.

*Rent and miscellaneous expense account.* (Paragraphs 505-518.)

DEPARTMENT OF STATE, UNITED STATES,  
To \_\_\_\_\_, United States Consul at \_\_\_\_\_, Dr.

18—	For rent of Consular Office, for quarter ending this day, as per voucher No. 1 .....	\$
	For postage on official correspondence to and from this Consulate, for the quarter ending this day, as per Forms Nos. 118 and 119 herewith transmitted .....	
	For stationery, as per voucher No. — .....	
	For freight and charges on boxes and packages to and from the Department of State, as per voucher No. — .....	
	For flagstaff and fixtures, as per voucher No. — .....	
	For flag, as per voucher No. — .....	
	For consular seal, as per voucher No. — .....	
	For consular press, as per voucher No. — .....	
	For consular arms, as per voucher No. — .....	
	For record-books, as per voucher No. — .....	
	For binding consular letters, as per voucher No. — .....	
	For blank forms, as prescribed by the Department of State, voucher No. — .....	
	For loss by exchange on the amount of this account, say \$ _____, at _____ per cent., as per voucher No. — .....	
	CR.	
	By fees remaining after payment of salary account .....	
	By my draft on the Secretary of State .....	

\_\_\_\_\_,  
U. S. Consul at \_\_\_\_\_.

N. B.—Be careful to sign this account, and to transmit it at or before the time of making your draft.



## FORM No. 91.

*Voucher for rent.* (Paragraph 506.)

Received of \_\_\_\_\_, United States Consul at \_\_\_\_\_, the sum of \$\_\_\_\_\_ in full, for rent, for the quarter ending this day, of rooms No. \_\_\_\_\_, \_\_\_\_\_ street, \_\_\_\_\_, which are devoted solely to the business of the Consulate.

\_\_\_\_\_, 188—.

## FORM No. 92.

*Exchange voucher.* (Paragraph 528.)

Date of draft.	Face of draft.	Proceeds of draft in foreign currency.	Rate of exchange.	Loss on draft.	On whom drawn and on what account.
July 1, 1879.	\$1,875 00	£377. 11. 7	.02	\$37 50	Secretary of Treasury, $\frac{3}{8}$ salary.

LISBON, July 1, 1879.

We jointly certify that the above described draft was sold and purchased at the rate given in the above abstract.

\_\_\_\_\_, U. S. Consul.  
\_\_\_\_\_, Bankers.

## FORM No. 93.

*Declaration and certificate to invoice of teams of animals, wagons and other vehicles, and household effects of an emigrant.* (Paragraph 674.)

No. —.]

UNITED STATES CONSULATE,  
\_\_\_\_\_, 188—.

I, \_\_\_\_\_, do solemnly swear that the invoice now produced, and hereunto annexed, contains a true and faithful account of the goods therein described, and of the value thereof. The said goods consist solely of the wearing apparel, household effects, and personal effects of myself and family; that said household goods and personal effects have

been in use in my family for at least one year prior to their shipment for the United States, and are not intended for the use of any other person, or for sale.

I further swear that it is my *bona fide* intention to become a permanent resident of the United States.

Sworn to and subscribed before me this — day of —, 188—.

\_\_\_\_\_  
U. S. Consul.

*Invoice referred to in the above.*

Marks and numbers.	No. pkgs.	Enumeration of property.	Actual cost or value.
			\$

I hereby certify that the goods or merchandise described in the above invoice are the property of \_\_\_\_\_ and of the value within named. I do further certify that I am satisfied that the person making the above declaration is the person he represents himself to be; that he is a credible person, and that the statements made in the declaration are true.

Witness my hand and seal of office the day and year aforesaid.

\_\_\_\_\_  
U. S. Consul.

ber 31, 1881. (Paragraph 533.)

Number.	Amount disbursed for relief.				Total.	Amount expended for same during previous quarters.	Grand total.
	Medical aid.	Amount paid for passage.	Burial expenses.	Miscellaneous.			
1	A 00	.....	.....	.....	\$25 00	\$21 00	\$46 00
2	C 00	\$48 00	.....	.....	66 00	.....	66 00
3	H 00	52 00	.....	\$1 80	72 00	.....	72 00
4	G ..	.....	.....	.....	30 00	.....	30 00
5	J 00	.....	.....	1 00	35 90	.....	35 90
6	N 00	12 00	.....	.....	47 60	.....	47 60
7	L 00	.....	\$15 00	1 20	42 00	.....	42 00
8	I ..	.....	.....	.....	.....	.....	.....
	00	112 00	15 00	4 00	318 50	21 00	339 50

.....	\$52 60
.....	58 00
.....	112 00
.....	15 00
.....	4 00
.....	241 60
.....	76 90
.....	318 50
.....	2 50
.....	321 00

U. S. Consul.

rent, as per Form No. be noted in the column "Remarks" whether or funds therefor should oyment of vessels, or



## FORM No. 95.

*Voucher for boarding and lodging.* (Paragraph 532.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
To \_\_\_\_\_,  
188—.

DR.

For boarding and lodging \_\_\_\_\_, a destitute American seaman, from \_\_\_\_\_ day of \_\_\_\_\_ to \_\_\_\_\_, at \_\_\_\_\_ per day [or week] ..... \$  
The above bill is correct.

\_\_\_\_\_,  
*Seaman.*

Received \_\_\_\_\_, 188—, from \_\_\_\_\_, United States Consul, the sum of \_\_\_\_\_ dollars, in full of the above bill.

## FORM No. 96.

*Voucher for hospital expenses and medical aid.* (Paragraph 532.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
To \_\_\_\_\_, DR.

For medical aid and attendance supplied the following-named destitute American seamen admitted in and discharged from [here insert the name of the hospital] by order of \_\_\_\_\_, Consul at \_\_\_\_\_, for the quarter ending \_\_\_\_\_, 188—.

When admitted.		Name of seamen.	Date of discharge or decrease.		Number of days attended, say at \$1 per day.	Amount.	
188—.							
October .....	6	C. D.....	November ..	22	48	\$48	00
" .....	"	F. F.....	" ..	26	52	52	00
November.....	1	M. O.....	" ..	12	12	12	00
						112	00

\_\_\_\_\_, 188—. Received of \_\_\_\_\_, United States Consul, the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, in full of the above bill.

## FORM No. 97.

*Voucher for clothing.* (Paragraph 532.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 To \_\_\_\_\_, DR.  
 188—.

For clothing furnished to \_\_\_\_\_, a destitute American seaman, viz:

(Here name all articles of clothing furnished, including cost thereof.)..... \$ \_\_\_\_\_

Delivered in presence of—  
 \_\_\_\_\_,  
 \_\_\_\_\_.

Correct: \_\_\_\_\_,

*Seaman.*

\_\_\_\_\_, \_\_\_\_\_, 188—. Received of \_\_\_\_\_, United States Consul, the sum of \_\_\_\_\_ dollars and \_\_\_\_\_ cents, in full of the above bill.  
 \_\_\_\_\_.

## FORM No. 98.

*Voucher for burial expenses.* (Paragraph 532.)

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
 To \_\_\_\_\_, DR.

For burial expenses of the following-named destitute American seamen, who died at \_\_\_\_\_, during the quarter ending \_\_\_\_\_ day of \_\_\_\_\_, 18—:

November 22, \_\_\_\_\_ ..... \$4 00  
 November 26, \_\_\_\_\_ ..... 4 00

8 00

Received \_\_\_\_\_, 188—, from \_\_\_\_\_, United States Consul at \_\_\_\_\_, the sum of \_\_\_\_\_, in full of the above bill.  
 \_\_\_\_\_.

## FORM No. 99.

## RETURN OF EXTRA WAGES. (Paragraph 534.)

\_\_\_\_\_, *United States Consul at \_\_\_\_\_, in account with the United States Government, for amount of the one-month's extra wages received on account of discharged seamen, from \_\_\_\_\_ to \_\_\_\_\_, 188—.*

DR.

CR.

Date.	Name of seaman or mariner.	Vessel.	Amount of extra wages received.		Date.	Disposition made of extra wages received.	Amount.		
188— Oct. 1	A. B ..	Union	\$15	00	188— Dec. 31	By amount credited in account for the relief of destitute American seamen, for the quarter ending December 31, 188— .....			
Oct. 4	C. D ..	do ...	15	00					
Dec. 31	E. F ..	Boxer.	20	00				\$30	00
			50	00				20	00
						By balance in my hands .....	50	00	

UNITED STATES CONSULATE AT \_\_\_\_\_, December 31, 188—.

\_\_\_\_\_  
Consul.

FORM

ACCOUNT CURRENT.

*The United States Government in account current with ———,*

DR.

Date.	Boarding, clothing, &c., by whom supplied.	To whom furnished.	On what account.	Vouchers.	Amount.
188—					
Oct. 20	Sailors' Home .....	A. B. ....	Board and lodging.....	1	\$15 00
Oct. 20	D. C. & Co.....	do .....	Clothing .....	2	10 00
Oct. 6	Sailors' Home.....	C. D. ....	Board and lodging.....	3	4 00
Nov. 22	D. C. & Co.....	do .....	Clothing .....	4	8 00
Nov. 22	—— Hospital .....	do .....	Medical aid .....	A	48 00
Nov. 22	——, U. S. ....	do .....	Balance of arrears of wages refunded.	5	6 00
Oct. 6	Consul. Sailors' Home.....	E. F. ....	Board and lodging.....	6	3 20
Nov. 26	D. C. & Co.....	do .....	Clothing .....	7	15 00
Nov. 26	—— Hospital .....	do .....	Medical aid .....	A	52 00
Nov. 26	B. C. D. ....	do .....	Washing clothes .....	8	1 80
Oct. 12	——, U. S. ....	G. H. ....	Balance of 2 months' extra wages refunded.	9	30 00
Nov. 1	Consul. Sailors' Home.....	J. K. ....	Board and lodging.....	10	13 60
Nov. 1	D. C. & Co.....	do .....	Clothing .....	11	8 00
Nov. 1	L. M. ....	do .....	Boat-hire .....	12	1 00
Nov. 2	——, U. S. ....	do .....	Balance of arrears of wages refunded.	13	13 30
Nov. 12	Consul. D. C. & Co.....	M. O. ....	Clothing .....	14	8 00
Nov. 12	—— Hospital .....	do .....	Medical aid .....	A	12 00
Nov. 12	——, U. S. ....	do .....	Balance of 2 months' extra wages refunded.	15	10 00
Nov. 12	Consul. ——, U. S. ....	do .....	Arrears of wages refunded	16	17 60
Nov. 30	Consul. Sailors' Home.....	P. Q. ....	Board and lodging.....	17	16 80
Nov. 30	D. C. & Co.....	do .....	Clothing .....	18	9 00
Nov. 1	Master of brig Alhion.	do .....	Passage from ——	19	15 00
Nov. 30	L. M. ....	do .....	Boat-hire.....	20	1 20
Dec. 31	Loss by exchange on my draft No. — on the Secretary of State.			21	318 50 2 50
					321 00

E. &amp; O. E.

UNITED STATES CONSULATE AT ——,

December 31, 188—.



No. 100.

(Paragraph 536.)

U. S. Consul at \_\_\_\_\_, for the quarter ending December 31, 188—.

				Cr.
Date.	Extra wages, arrears of wages, &c., received.	On whose account.	Vessel.	Amount.
188—.				
Oct. 1	By 3 months' extra wages.....	C. D .....	Fly .....	\$60 00
Oct. 1	By arrears of wage .....	do .....	do .....	26 00
Oct. 10	By 3 months' extra wages.....	G. H. ....	Sea Wave ..	60 00
Oct. 15	By arrears of wages .....	J. K. ....	Echo .....	35 90
Nov. 1	By 3 months' extra wages.....	M. O. ....	Fly .....	45 00
Nov. 1	By arrears of wages .....	do .....	do .....	17 60
Nov. 26	By 1 month's extra wages.....	R. S. ....	Sunbeam ..	20 00
Nov. 30	By Hospital dues collected (as per form No. 125).	Five seamen (ves- sel sold).	Ospray .....	4 00
				268 50
Dec. 31	By amount of my draft No. — on the honorable Secretary of State, at 15 days' sight, in favor of _____.			52 50
				321 00

\_\_\_\_\_  
U. S. Consul.

## FORM No. 101.

RECORD OF TREASURY FEES (Seaport Consulate). (Paragraph 538.)

Fees received at the United States Consulate at \_\_\_\_\_, from \_\_\_\_\_ to the \_\_\_\_\_, 188—.

Date.	No.	Name of ves- sel.	Name of the party paying the fee.	Nature of ser- vice ren- dered.	Amount of fees paid.		Remarks.

On the \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, United States Consul at \_\_\_\_\_, and made oath that the above and foregoing account or report of fees is a full and perfect transcript of the register which he is by law required to keep; that the same is true and correct, and contains a full and accurate statement of all fees received by him as such Consular Officer, or for his use, for his *official services*, to the best of his knowledge, during the period of time therein mentioned.

\_\_\_\_\_  
U. S. Consul.

Sworn to before me.

NOTE.—This Form is to be transmitted to the Secretary of State and the Secretary of the Treasury.

## FORM No. 102.

RECORD OF TREASURY FEES (Inland Consulate). (Paragraph 538.)

*Fees received at the United States Consulate at ———, from ——— to the ———, 18—.*

No.	Date.	Name of the firm or party for whom the service is rendered.	Signer of the oath, who must be one of the firm.	Nature of the service rendered.	Fees.

(Same oath as in No. 101.)

NOTE.—This form is to be followed by Consular Officers residing at inland places, and a transcript thereof transmitted quarterly to the Secretary of State and Secretary of the Treasury.

## FORM No. 103.

*Summary of business at the United States Consulate at ——— during the quarter ended ———, 18—. (Paragraph 537.)*

## MOVEMENT OF VESSELS.

Vessels in port from last quarter, ———.  
 Vessels arriving during present quarter, ———.  
 Vessels departing, ———.  
 Vessels remaining in port, ———.  
 Tonnage arriving, ———.  
 Tonnage departing, ———.  
 Fees received, \$———.  
 Expenses, including salary, \$———.

## MOVEMENT OF SEAMEN.

Seamen in port from last quarter, ———.  
 Seamen arriving, ———.

Seamen shipped, \_\_\_\_\_.  
 Seamen died, \_\_\_\_\_.  
 Seamen discharged, \_\_\_\_\_.  
 Seamen deserted, \_\_\_\_\_.  
 Seamen departed, \_\_\_\_\_.  
 Seamen in port, \_\_\_\_\_.

## SYNOPSIS OF SEAMEN'S ACCOUNT.

	DR.	CR.
Balance from previous quarter.....	\$	\$
Received for extra wages.....		
Expended for seamen.....		
Balance .....		

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_, \_\_\_\_\_, 18—.

## FORM No. 104.

*Power of attorney to verify invoices. (Paragraph 656.)*

I do hereby make, constitute, and appoint \_\_\_\_\_, of \_\_\_\_\_ in \_\_\_\_\_, my true and lawful attorney, for me, in my name, place, and stead, to prepare any or all invoices of merchandise, intended for exportation to the United States from \_\_\_\_\_, in which I am or may be interested or concerned, and to take such oath or oaths, or to make and sign such declaration or declarations, as my duly authorized agent, which I might do if I were personally present, in the manner prescribed by the laws of the United States, for the purpose of verifying invoices of merchandise, in order to secure the requisite triplicate or quadruplicate certificates thereto; hereby ratifying whatever my said attorney may lawfully do, under and by virtue of his power of attorney, in my behalf; and this authority, hereby conferred and delegated to said attorney, shall remain in full force until revoked by me, by written notice on the U. S. Consul at \_\_\_\_\_.

In witness whereof, I have hereunto set my name and seal, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 188—.

\_\_\_\_\_. [SEAL.]

Signed, sealed, and delivered in the presence of—

\_\_\_\_\_  
 \_\_\_\_\_.

## FORM No. 105.

*Aggregate return of fees at the Consulate of the United States at \_\_\_\_\_, and Consular Agencies connected with it, from \_\_\_\_\_ to \_\_\_\_\_, inclusive. (Paragraph 539.)*

Name of Consular Officer.	Office.	Where located.	Fees for the quarter ending March 31.	Fees for the quarter ending June 30.	Fees for the quarter ending Sept. 30.	Fees for the quarter ending Dec. 31.	Total.	Remarks.

\_\_\_\_\_,  
U. S. Consul.

NOTE.—This Form is to be transmitted to the Department of State, with the blanks properly filled, at the close of the fiscal year (June 30th.)

## FORM No. 106.

*Form of a consular account for compensation while receiving instructions. (Paragraph 540.)*

GOVERNMENT OF THE UNITED STATES

To \_\_\_\_\_,  
Consul of the United States at \_\_\_\_\_,

DR.

For compensation for the period, namely, \_\_\_\_\_ days, from \_\_\_\_\_ to \_\_\_\_\_, actually and necessarily occupied in receiving instructions, as per certificate hereto annexed, agreeably to Form No. 107 .....

Received payment, \$

\_\_\_\_\_,  
U. S. Consul.

To Hon. \_\_\_\_\_,  
Secretary of the Treasury.

## FORM No. 107.

*Certificate to accompany the account of a salaried Consul while receiving his instructions, immediately after appointment. (Paragraph 540.)*

I hereby certify that I have been actually and necessarily occupied in receiving my instructions — days; that is, from the — day of —, 18—, the date of my commission as United States Consul at —, to the — day of — following.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 108.

*Account for compensation while making the transit to post of duty. (Paragraph 541.)*

GOVERNMENT OF THE UNITED STATES

To \_\_\_\_\_,

Consul of the United States at \_\_\_\_\_,

DR.

For compensation for the period namely, — days, from —, to —, actually and necessarily occupied in making the transit between my place of residence at — and my post of duty —, as per certificate hereunto annexed, agreeably to Form No. 109 ..... \$ \_\_\_\_\_

CR. By my draft on the Secretary of the Treasury ..... \$ \_\_\_\_\_

\_\_\_\_\_,  
U. S. Consul.

NOTE.—The days in which the Consul is unnecessarily delayed in making the transit must be deducted.

## FORM No. 109.

*Certificate to accompany the account of a salaried Consul for compensation while making the transit to his post of duty. (Paragraph 541.)*

I hereby certify that I have been actually and necessarily occupied in making the transit between my place of residence and post of duty — days, having left —, the place of my residence, on the — day of —, 18—, and arrived at —, my post of duty, on the — day of — following.

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 110.

*Certificate to be executed by each Consular Officer, and to accompany his first account. (Paragraph 542.)*

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I, \_\_\_\_\_ (Consul or Commercial Agent, as the case may be), do certify that I entered upon the duties of this office on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, and that I have since then continued in charge of the said office uninterruptedly to the present time.

\_\_\_\_\_,  
*U. S. Consul.*

## FORM No. 111.

*Certificate to accompany the account of a Consul for compensation while making his transit from his post of duty to his place of residence. (Paragraph 543.)*

I hereby certify that I have been actually and necessarily occupied in making the transit between my post of duty and the place of my residence \_\_\_\_\_ days, having left \_\_\_\_\_, my post of duty, on the \_\_\_\_\_ day of \_\_\_\_\_, 18—, and arrived at \_\_\_\_\_, my place of residence, on the \_\_\_\_\_ day of \_\_\_\_\_ following.

\_\_\_\_\_,  
*Late U. S. Consul.*

## FORM No. 112.

FORM FOR STATING AN ACCOUNT FOR SALARY AND FEES, EXCLUSIVE OF SEAMEN'S WAGES OR EXPENDITURES FOR THEM.

The United States Government in account for fees with \_\_\_\_\_ (Consul-General, Consul, or Commercial Agent), at \_\_\_\_\_ (Paragraph 550.)

D.R.

C.R.

1880. Dec. 31	To amount of my salary (as Consul-General, Consul, or Commercial Agent), from October 1 to December 31, 1880, at \$7,500 per annum			

U. S. CONSULATE AT \_\_\_\_\_, December 31, 1880.

\_\_\_\_\_  
U. S. Consul.



## FORM No. 113.

*Certificate to accompany Form 112. (Paragraphs 544 and 550.)*

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 188—

I certify that I have not been absent from the district of my Consulate (or Commercial Agency, as the case may be) for a longer period than ten days within the quarter embraced in the above and foregoing account.  
\_\_\_\_\_

## FORM No. 114.

*Usual form of draft. (Paragraphs 523 and 527.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

\_\_\_\_\_

Fifteen days after sight (acceptance waived) of this my first of exchange (second and third of the same tenor and date unpaid), pay \_\_\_\_\_  
\_\_\_\_\_, or order, \_\_\_\_\_ <sup>100</sup>dollars, the amount of disbursements at this Consulate on account of \_\_\_\_\_, for the quarter ending \_\_\_\_\_, as per advice.

\_\_\_\_\_, U. S. Consul.

Hon. \_\_\_\_\_,  
Secretary of \_\_\_\_\_, Washington.

NOTE.—The quarter is reckoned at the Treasury from the commencement of the fiscal year, which is on the 1st of July. In drawing upon the State or Treasury Department, Consular Officers will always insert in their drafts the words "acceptance waived."

## FORM No. 115.

*Second form of draft. (Paragraphs 523 and 527.)*

\_\_\_\_\_ OF THE UNITED STATES,  
\_\_\_\_\_, 188—.

\_\_\_\_\_

Fifteen days after sight of this first of exchange, (acceptance waived, and indorsements by procuracy excepted), second and third unpaid,

pay to the order of \_\_\_\_\_, \_\_\_\_\_ dollars, and charge the same to my account for \_\_\_\_\_.

\_\_\_\_\_, *U. S. Consul.*

To the Hon. \_\_\_\_\_,  
*Secretary of \_\_\_\_\_, Washington, D. C.*

FORM No. 116.\*

GENERAL QUARTERLY ACCOUNT. (Paragraph 551.)

\_\_\_\_\_, *United States Consul at \_\_\_\_\_, in account-current with the Government of the United States.*

DR.

CR.

To fees received at the United States Consulate at _____, during the quarter ending _____, 18—, as per statement herewith inclosed.....	\$	By compensation of self, as established by law .....\$ _____ \$ By rent of office at _____, as per voucher ..... By stationery and miscellaneous expense, as per vouchers ..... By amount paid for relief of destitute American seamen, as per vouchers ..... By expenses incurred in sending to the United States from foreign countries persons charged with crime, as per vouchers ..... By expenses incurred under special instructions, as per vouchers ..... By amount due the Government and paid by deposit with Messrs. Morton, Rose & Co., to the credit of the appropriation for the compensation of Consuls.....	\$
---	----	--	----

\_\_\_\_\_,  
*U. S. Consul at \_\_\_\_\_.*

\* See No. 113 for Form of certificate to accompany this.





## FORM No. 121.

Names of all deceased American citizens, including seamen or mariners, together with the value of the personal effects belonging to them, and taken possession of by or deposited with \_\_\_\_\_, United States Consul at \_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_, inclusive. (Paragraphs 400 and 552.)

Date of decease.	Name of person.	Of what place a native of resident.	If a seaman, to what vessel belonging.	Where deceased.	Value of effects.	Disposition made thereof.

## FORM No. 122.

Abstract of the names and description of persons to whom passports have been issued or visaed at the Consulate of the United States at \_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_, inclusive. (Paragraphs 162 and 552.)

No.	When issued.	To whom issued.	By whom issued.	Form of passport.	DESCRIPTION.							By whom and when visaed.	Remarks.	
					Age.	Stature.	Forehead.	Eyes.	Nose.	Mouth.	Chin.			Hair.

\_\_\_\_\_, U. S. Consul.

NOTE.—This return to be made on June 30th and December 31st of each year to the Department of State. If the individual is a native citizen of the United States, the abstract should give his place of birth; if naturalized, the date of naturalization, the place where and the name of the court by which a certificate of naturalization was granted, should be stated.

When husband, wife, and minor children expect to travel together, a single passport for the whole will suffice. For any other person in the party, a separate passport will be required.

## FORM No. 123.

*Names of persons employed at the United States Consulate at ———. (Paragraph 552.)*

Name.	Place.	Of what country a citizen or subject.	Rank.	Date of nomination.	Date of certificate.

NOTE.—This Form should be sent to the Department always at the close of the calendar year, in order that the printed list of Consular Officers may be corrected.

## FORM No. 124.

*Detailed list of seamen or mariners shipped, discharged, or deceased, at the Consulate of the United States at ———, from ——— to ———, inclusive, and the payments made on account of each. (Paragraph 532.)*

Date of discharge, shipment, or decease.	Name of seaman or mariner discharged.	Name of seaman or mariner shipped.	Name of seaman or mariner deceased.	To what vessel belonging.	Amount of payments made.

## FORM No. 125.

Statement of hospital dues collected at the United States Consulate at \_\_\_\_\_  
for the quarter ending \_\_\_\_\_, 18—. (Paragraph 532.)

Date.	Name of vessel.	Name of master.	Name of seaman.	Amount received.	Period for which it is collected, and remarks.
Total.....				\$	

U. S. CONSULATE AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

I hereby certify that the above statement contains a true and correct return of all moneys received by me as hospital dues during the period therein mentioned.

[Seal.]

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 126.

Return of seamen who have come upon the Consulate otherwise than in the employment of vessels or by regular discharge therefrom. (Paragraph 532.)

CONSULATE OF THE UNITED STATES AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

To the FIFTH AUDITOR OF THE TREASURY,  
Washington, D. C.:

SIR: In accordance with instructions, I herewith transmit the following list of American seamen who have come upon this Consulate otherwise than in the employment of a vessel or by regular discharge therefrom during the quarter ending this day.

Name of seaman.	Date of arrival.	Name of vessel in which he came.	Port or place from which he came.	Date and cause of leaving said port or place.

[SEAL.]

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 127.

RETURN OF IMPORTS AT A MARITIME CONSULATE. (Paragraph 555.)

*Statement showing the imports at — —, for the year ending — —, 188—.*

Description.	Quantity. (Reduced to American measure- ment.)	Value entered. (Reduced to American dollars.)	Amount of duties.	Countries whence imported.

## FORM No. 128.

RETURN OF EXPORTS AT A MARITIME CONSULATE. (Paragraph 555.)

*Statement showing the exports from — —, for the year ending — —, 188—.*

Description.	Quantity. (Re- duced to Amer- ican measure- ment.	Value, including costs and charges. (Re- duced to Amer- ican dollars.)	Countries whither exported.



## FORM No. 129.

RETURN OF NAVIGATION AT A MARITIME CONSULATE. (Paragraph 555.)

*Statement showing the navigation at the port of ———, for the year ending ———, 188—.*

Flag.	From or to—	ENTERED.						CLEARED.											
		Steamers.		Sailing vessels.		Total.		Steamers.		Sailing vessels.		Total.							
		No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.						

## FORM No. 130.

RETURN OF TRADE WITH THE UNITED STATES. (Paragraph 555.)

*Statement showing the imports and exports between ——— and the United States for the year 188—.*

Articles.	Imports.		Exports.	
	Amount.	Value.	Amount.	Value.

## FORM No. 131.

*Mode of calculating consular salaries.* (Paragraph 551.)

Consular salaries must be calculated by the quarter, and for both days inclusive. The same mode of calculation must be observed with regard to fractions of quarters. The following calculations are given as examples, viz:

## EXAMPLE No. 1.

For amount of my salary as Consul at ———, from 1st January to 31st March, 1880, inclusive, being one quarter, at the rate of \$3,500 per annum. .... \$875 00

## EXAMPLE No. 2.

*Fraction of a quarter.*

\* \* \* \* \* from 1st April to 20th June, 1880, inclusive, being 81 days of the quarter ending 30th June, 1880, at the rate of \$3,500 per annum. .... \$778 84

To be calculated as follows, viz:

April, 30 days,				April, 30 days,
May, 31 "				May, 31 "
June, 30 "				June, 20 "
91	:		:	81

87500				
7000				

91) 7087500 (778.84  
637

717  
637

805  
728

770  
728

420  
364

56  
—  
91

EXAMPLE No. 3.

For fraction of quarter ending 30th September, at \$3,500 per annum:

July,	31 days,		July,	31 days,
August,	31 "		August,	31 "
September,	30 "		September,	20 "
	92	:	\$875.00	:
				:
				82

EXAMPLE No. 4.

\* \* \* \* \* from 1st July to 20th December, 1880, inclusive, 5 months, 20 days, at the rate of \$3,500 per annum..... \$1,645 38

Thus stated—

Quarter ending 30th September, 1880 .....	875 00
Fraction quarter ending 31st December, 1880.....	770 38
October, 31 days,	October, 31 days,
November, 30 "	November, 30 "
December, 31 "	December, 20 "
92	81
:	:
:	:
:	:
\$875.00	\$810.00

FORM No. 132.

Passport book. (Paragraph 162.)

No.	Date.	Name.	Last residence.	Place of birth.	Profession.	Evidence upon which the passport is granted.	Place for which a visa is given.	Description.	Signature of the person to whom the passport is granted.	Remarks.
								Age, Stature, Forehead, Eyes, Nose, Mouth, Chin, Hair, Complexion,		



## FORM NO. 135.

## SHIP'S DAILY JOURNAL. (Paragraph 589.)

*In which, on the deposit of the ship's register and papers, shall be recorded, for example, as follows:*

SHIP \_\_\_\_\_, OF \_\_\_\_\_, \_\_\_\_\_ TONS, \_\_\_\_\_, MASTER.

Date of entry and of service rendered.					
1870.					
Jan.	2	Arrived _____ day of _____, 18--. From _____. When built, _____, 18--. Where built, _____. Owners, _____ and others. Cargo, inward, [here insert where produced or manufactured] ..... value.. \$ ..... Cargo, outward, [here insert where produced or manufactured] ..... value.. .. A B, master. C D, mate. E F, 2d mate.			
"	3	G H, boatswain, alias I J, sent to hospital. K L, carpenter, discharged; wages paid, \$50; 3 months' extra wages, at \$20, \$60 .....			\$110 00
"	2	M N, steward, reported to have been lost overboard at sea (or to have died at sea) December 21, 1870, wages paid .....			16 00
"	8	O P, cook, reported to have deserted; amount of wages forfeited to the United States.... Q R, seaman. &c. &c.			50 00
"	20	Shipped for voyage to _____. _____, boatswain. _____, carpenter. _____, steward. _____, cook.			
"	21	Register and papers delivered to master bound to _____.			

**NOTE.**—Should any of the seamen or mariners have died at sea, or have been lost overboard on the passage, the fact will be reported at once by the master, and a note thereof made opposite to the name of such person so deceased or lost; as, for example, see Steward. Should any seaman or mariner be discharged, or desert, a similar note of the fact must be made opposite to such deserter's or discharged seaman's name; as, for example, see Carpenter and Cook. In case any seaman or mariner has taken the name of any other seaman or mariner, who may have deserted or otherwise absented himself, after the clearing of the vessel, in the United States or elsewhere, such seaman or mariner's correct and proper name must be entered opposite the name of the seaman or mariner so deserting or absenting himself; as, for example, see Boatswain. And in the event of the seaman or mariner's taking the name of another seaman or mariner as aforesaid, entering the hospital, being discharged, or deserting, the order to the hospital, certificate of discharge or desertion, and consular returns must contain the name of said seaman or mariner so taking the place of the absconding seaman; as, for example, see Boatswain.

## FORM No. 136.

*Form of bond for a Marshal of a Consular Court.* (Paragraphs 37 and 631.)

Know all men by these presents that we, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_, are held and firmly bound unto the United States of America in the sum of \_\_\_\_\_ thousand dollars, lawful money of the said United States, to be paid to the said United States; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Signed with our hands and sealed with our seals this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

The condition of the above obligation is such, whereas the President of the United States hath, pursuant to law, appointed the said \_\_\_\_\_ to be Marshal of the United States for the Consular Court of \_\_\_\_\_, to have and to hold the same, with all the rights, privileges, and emoluments thereto lawfully appertaining, during the pleasure of the President for the time being, as by a commission to him bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, more fully appears:

Now, if the said \_\_\_\_\_ shall faithfully perform all the duties of the said office of Marshal, then this obligation to be void; otherwise to remain in full force and virtue.

Witnesses:

\_\_\_\_\_, [L. S.]  
 \_\_\_\_\_, [L. S.]  
 \_\_\_\_\_, [L. S.]

## FORM No. 137.

FORM OF RETURN OF A MARSHAL OF A CONSULAR COURT. (Paragraph 631.)

*United States Consular Court at \_\_\_\_\_.* Return of suits for the quarter ending \_\_\_\_\_, 18\_\_\_\_.

Number of case.	Date of first proceedings.	Name and nationality of plaintiff.	Name and nationality of defendant.	Nature of suit.	Judgment.	Amount of fine imposed.	Amount of fees charged and received.	Disposition of fine and fees.	Appeal.

\_\_\_\_\_  
 Marshal of the U. S. Consular Court, \_\_\_\_\_.

## FORM No. 138.

*Declaration to be made by the purchaser or owner, where merchandise has been actually purchased. (Paragraph 654.)*

I, \_\_\_\_\_, of \_\_\_\_\_, in the county of \_\_\_\_\_, do solemnly and truly declare that I am the [purchaser, or owner, as the case may be] of the goods, wares, or merchandise in the annexed invoice mentioned and described; that the said invoice is in all respects true; that it contains a true and full statement of the time when and the place where the goods, wares, and merchandise therein mentioned, and which are subject to any ad valorem rate of duty, or to any duty regulated or directed by law to be estimated, or based upon the value of the square yard, or of any other specified quantity or parcel, were purchased; and the *actual cost and quantity* thereof, and of all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice, but such as have been actually allowed thereon; that the currency in which said invoice is made out is the currency which was actually paid, or is to be paid, for said goods, wares, and merchandise; and that no different invoice thereof has been or will be furnished to any one.

I further declare that it is intended to make entry of the goods, wares, and merchandise mentioned in said invoice at the port of \_\_\_\_\_, in the United States of America. Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

## FORM No. 139.

*Declaration to be made by the owner or manufacturer, or duly authorized agent of such owner or manufacturer, where goods have been procured otherwise than by purchase, and to be indorsed on, or attached by seal and tape to, each of the triplicate invoices. (Paragraph 654.)*

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly and truly declare that I am \_\_\_\_\_ of the goods, wares, and merchandise in the within invoice mentioned and described; that the said invoice is in all respects true; that it contains a full and true statement of the *actual market value* of such of the said goods, wares, and merchandise as are subject to any ad valorem rate of duty, or to any duty regulated or directed by law to be estimated or based upon the value of the square yard, or of any other specified quantity or parcel, at the time and place, when and where, the same were manufactured or procured, of the actual quantity of said goods, wares, and merchandise, and of all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice, except such as have been actually allowed thereon; and that no invoice different from the one now produced has been or will be furnished to any one. I further declare that it is intended

to make entry of said goods, wares, and merchandise at the port of ——— in the United States of America.

(Signed in triplicate.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

NOTE.—After the word “I” insert the name of the person making the declaration; after the word “of” insert the name of the place; after the words “I am,” the corresponding designation as manufacturer or owner; after the signature, insert the designation.

This form should not be used in cases of actual purchase, but Form 138.

FORM No. 140.

*Certificate to be indorsed on each of the triplicate invoices. (Paragraphs 642 and 643.)*

I, \_\_\_\_\_, of the United States at \_\_\_\_\_, do hereby certify that at \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, anno Domini 18—, the within invoice, numbered \_\_\_\_\_, in which are mentioned and described certain [*here insert a general description of the kinds of merchandise mentioned in the invoice*], amounting, with the charges thereon, to the gross sum of \_\_\_\_\_, was produced to me by \_\_\_\_\_ in person, the [*owner or otherwise*] of the goods, wares, and merchandise therein mentioned, who thereupon declared in writing, in my presence, that it was intended to make entry of said goods, wares, and merchandise at the port of \_\_\_\_\_, in the United States of America.

I do further certify that I am satisfied that the person making the declaration hereto annexed is the person he represents himself to be; and that the actual market-values, or wholesale prices of the goods, wares, and merchandise described in the said invoice, in the principal markets of the country, and at time of exportation, are correct and true, excepting as changed by me and set forth in the column of consular corrections of estimates.

Witness my hand and seal of office, at \_\_\_\_\_, the day and year aforesaid.

[L. S.]

\_\_\_\_\_  
\_\_\_\_\_

NOTE.—Insert after the name in the first line the proper title of the Consular Officer, and after the word “certain” a general description of the kind of merchandise mentioned in the invoice. On the [L. S.] place the seal of the Consulate.



## FORM No. 141.

*Receipt of master of vessel for invoices to be delivered to the collector of customs at the port of entry. (Paragraph 666.)*

\_\_\_\_\_, 188—.

I acknowledge the receipt of a package of invoices made up and sealed with the consular seal of the Consul at this port, directed to the collector at \_\_\_\_\_, which I promise to deliver on the entry of the [ship or other vessel] under my command, at the said port of \_\_\_\_\_.

(Signed)

\_\_\_\_\_,  
Master of \_\_\_\_\_.

## FORM No. 142.

*Transmission of invoices to collectors. (Paragraphs 665 and 666.)*

UNITED STATES CONSULATE,  
\_\_\_\_\_, 188—.

To \_\_\_\_\_,  
Collector of Customs at \_\_\_\_\_.

SIR: In pursuance of instructions, I transmit herewith \_\_\_\_\_ triplicate (or quadruplicate) invoices, properly indorsed, of goods, as per descriptive list, hereto annexed.

I am, sir, your obedient servant,

\_\_\_\_\_,  
U. S. Consul.

## FORM No. 143.

*Descriptive list of triplicate or quadruplicate invoices. (Paragraph 666.)*

No. of invoice.	Name of the shippers.	Consignee.	Amount of invoices.	By what ship.
			_____	

## FORM No. 144.

*Certificate of the value of currency.* (Paragraph 662.)

I, \_\_\_\_\_, Consul of the United States of America, do hereby certify that the true value of the currency of the \_\_\_\_\_ of \_\_\_\_\_, in which currency the annexed invoice of merchandise is made out, is \_\_\_\_\_ cents, estimated in United States gold dollars.

\_\_\_\_\_

## FORM No. 145.

*Declaration to be made by the owner or manufacturer, where goods have been procured otherwise than by purchase.* (Paragraph 654.)

I, \_\_\_\_\_, of \_\_\_\_\_, in the county of \_\_\_\_\_, do solemnly and truly declare that I am the [owner or manufacturer] of the goods, wares, and merchandise in the annexed invoice mentioned and described, and that said invoice is in all respects true; that it contains a true and full statement of the *actual market-value* of such of the said goods, wares, and merchandise as are subject to any ad valorem rate of duty, or to any duty regulated or directed by law to be estimated or based upon the value of the square yard, or of any other specified quantity or parcel, at the time and place when and where the same were procured or manufactured; of the actual quantity of said goods, wares, and merchandise, and of all charges thereon; that no discounts, bounties, or drawbacks are contained in said invoice, except such as have been actually allowed thereon; and that no invoice different from the one now produced has been or will be furnished to any one.

I further declare that it is intended to make entry of said goods, wares, and merchandise at the port of \_\_\_\_\_, in the United States of America.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the fifth and sixth years of the reign of His Majesty King William the Fourth, intituled "An act to repeal an act of the present session of Parliament, intituled an act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extrajudicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

Declared at \_\_\_\_\_, in the county of \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 18—, before me.

\_\_\_\_\_  
A Commissioner to administer oaths in chancery in England,  
and to take declarations in lieu of oaths.

NOTE.—This form is to be used in Great Britain when the declaration is made before a commissioner, whose qualification must be certified by the consul. If the oath or declaration is made before a justice of the peace, notary public, or other competent officer, the proper term should be used instead of commissioner.

## FORM No. 146.

*Declaration, under oath or affirmation, to be made by the owner, agent, or consignee of merchandise, or conductor of a railroad car, to manifest of merchandise imported from foreign territory contiguous to the United States. (Paragraph 670.)*

I, A B, owner (agent or consignee) of the merchandise laden on board, or conductor of (*here insert the name of the railroad company*) car, numbered —, now about to depart, and destined for (*the port of destination*), do solemnly swear (or affirm) that this manifest contains, to the best of my knowledge and belief, a full and complete list and description of the contents of the said car, and that the quantities and value of said contents are in this manifest faithfully and correctly stated.

Subscribed and sworn (or affirmed) to before me this — day of —, 188—.

## FORM No. 147.

*Sample card. (Paragraph 650.)*

Consular No. of the invoice.	
Marks and No. of the packages.	
Name of the shipper.	
Name of the consignee.	
Kind of merchandise.	
Width of merchandise.	
Invoiced price.	
Discount.	
Date of the invoice.	
Remarks.	

— do certify that the sample hereto annexed is a fair and true sample of piece No. —, contained in the package No. — above mentioned, and that the foregoing statement is in all respects true.

## FORM NO. 148.

## FOREIGN MONIES OF ACCOUNT AND THEIR VALUES IN UNITED STATES MONEY OF ACCOUNT.

## Table of equivalents. (Paragraphs 488 and 662.)

The following is a list of foreign currencies, the values of which have been fixed in accordance with section 3564, Revised Statutes.

Country.	Monetary Unit.	Standard.	Value in U. S. money.	Standard coin.
Austria.....	Florin.....	Silver.....	\$0 40.7	
Belgium.....	Franc.....	Gold and silver.....	19.3	5, 10, and 20 francs.
Bolivia.....	Boliviano.....	Silver.....	82.3	Boliviano.
Brazil.....	Milreis of 1,000 reis.....	Gold.....	54.6	
British possessions in North America.	Dollar.....	Gold.....	1 00	
Chile.....	Peso.....	Gold and silver.....	91.2	Condor, doubloon, and escudo.
Cuba.....	Peso.....	Gold and silver.....	93.2	$\frac{1}{10}$ , $\frac{1}{5}$ , and 1 donblcon.
Denmark.....	Crown.....	Gold.....	26.8	10 and 20 crowns.
Honduras.....	Peso.....	Silver.....	82.3	Peso.
Egypt.....	Piaster.....	Gold.....	94.9	5, 10, 25, 50, and 100 piasters.
France.....	Franc.....	Gold and silver.....	19.3	5, 10, and 20 francs.
Great Britain.....	Pound sterling.....	Gold and silver.....	4 86.6 $\frac{1}{4}$	$\frac{1}{4}$ sovereign and sovereign.
Greece.....	Drachma.....	Gold.....	19.3	5, 10, 20, 50, and 100 drachmas.
German Empire.....	Mark.....	Gold.....	23.8	5, 10, and 20 marks.
India.....	Rupee of 16 annas.....	Silver.....	39	
Italy.....	Lira.....	Gold and silver.....	19.3	5, 10, 20, 50, and 100 lire.
Japan.....	Yen.....	Silver.....	88.8	1, 2, 5, 10, and 20 yen, gold, and silver yen.
Liberia.....	Dollar.....	Gold.....	1 00	
Mexico.....	Dollar.....	Silver.....	89.4	
Netherlands.....	Guilder.....	Gold and silver.....	40.2	Peso or dollar, 5, 10, 25, and 50 centavo.
Norway.....	Crown.....	Gold.....	26.8	10 and 20 crowns.
Peru.....	Sol.....	Silver.....	82.3	
Portugal.....	Milreis of 1,000 reis.....	Gold.....	1 08	
Russia.....	Rouble of 100 copecks.....	Silver.....	65.8	2, 5, and 10 milreis.
Sandwich Islands.....	Dollar.....	Gold.....	1 00	$\frac{1}{4}$ , $\frac{1}{2}$ , and 1 rouble.
Spain.....	Peseta of 100 centimes.....	Gold and silver.....	19.3	5, 10, 20, 50, and 100 pesetas.
Sweden.....	Crown.....	Gold.....	26.8	10 and 20 crowns.
Switzerland.....	Franc.....	Gold and silver.....	19.3	5, 10, and 20 francs.

Tripoli.....	Mabubb of 20 piasters.....	Silver.....	74.3	25, 50, 100, 250, and 500 piasters.
Turkey.....	Piaster.....	Gold.....	04.4	Peso.
United States of Colombia.....	Peso.....	Silver.....	82.3	5, 10, 20, 50, and 100 Bolivar.
Venezuela.....	Bolivar.....	Gold and silver.....	19.3	

The above rates will be taken in estimating the values of all foreign merchandise made out in any of the foregoing currencies.

FORM No. 149.

Table for reducing United States gold coin to English and French currency. (Paragraph 488.)

Prepared by the First Comptroller of the Treasury, Washington, D. C., June 19, 1873.

EQUIVALENTS IN ENGLISH MONEY.										EQUIVALENTS IN FRENCH CURRENCY.					
£	25 cents.		50 cents.		75 cents.		Fr. = \$0.193.			25 cents.		50 cents.		75 cents.	
	£	d.	£	d.	£	d.	Fr.	Centimes.	Fr.	Centimes.	Fr.	Centimes.	Fr.	Centimes.	
0							0	.....	1	30	2	59	3	89	
1	4	2	1	1	2	3	1	5	18	6	48	7	77	9	07
2	8	3	5	2	6	7	2	10	36	11	66	12	96	14	25
3	12	4	9	3	10	4	3	15	54	16	84	18	13	19	43
4	16	6	13	5	14	5	4	20	72	22	02	23	32	24	61
5	20	8	17	6	18	6	5	25	91	27	22	28	50	29	79
6	24	0	21	7	22	8	6	31	09	32	38	33	68	34	97
7	28	1	25	8	26	9	7	36	27	37	56	38	86	40	16
8	32	3	29	9	30	11	8	41	45	42	75	44	04	45	34
9	36	5	33	10	34	12	9	46	63	47	93	49	22	50	52
10	40	7	37	11	38	13	10	51	81	53	11	54	40	55	70

NOTE.—In order to reduce gold dollars to either of the above currencies, find the dollars in the left-hand column and the cents (if any) in the top column, and where the two columns intersect the value will be shown. Thus, \$5.75 equals £1 3s. 8d., or 29 francs and 79 centimes.

## FORM No. 150.

*Certificate of consignee of landing of merchandise at foreign port. (Paragraph 681.)*

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, merchant, do hereby certify that the goods or merchandise hereinafter described have been landed in this [city, town, or port] between the \_\_\_\_\_ and \_\_\_\_\_ days of \_\_\_\_\_, from on board the \_\_\_\_\_ of \_\_\_\_\_, whereof \_\_\_\_\_ is at present master, viz: [Here describe the merchandise, giving the marks and numbers, kind of merchandise, number of pounds (gross, tare, and net), gallons (wine and proof), or packages, upon which internal-revenue tax is imposed], which, according to the bills of lading for the same, were shipped on board the \_\_\_\_\_ at the port of \_\_\_\_\_, in the United States of America, on or about the \_\_\_\_\_ day of \_\_\_\_\_, 18—, and consigned to [me or to us], by \_\_\_\_\_, of \_\_\_\_\_, aforesaid merchant [or by the master of said \_\_\_\_\_].\*

Given under my hand, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

## FORM No. 151.

*Consular verification of consignee's certificate. (Paragraphs 681 and 685.)*

I, \_\_\_\_\_, Consul [or agent] of the United States of America, at the city of \_\_\_\_\_, do declare that the facts set forth in the foregoing declaration, subscribed by \_\_\_\_\_, of said port, and dated the \_\_\_\_\_ day of \_\_\_\_\_, 18—, are, to my knowledge, true and correct, and deserving of full faith and credit; and I further certify that the signature thereto is in the handwriting of said \_\_\_\_\_.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of my office, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

[SEAL.]

\_\_\_\_\_  
Consul.

\* In cases of shipment of tobacco or snuff in bond, under sec. 24 of the act of February 8, 1875, the following will be added: "And I further certify that the weight, as above stated, was correctly ascertained by actual weighing after landing." In all such cases the foregoing certificate must be sworn to before a United States Consul, Vice-Consul, or Agent at the port, or, in their absence, before an officer qualified to administer oaths and having a seal, by the consignee to whom the merchandise is actually addressed. The columns for marks, numbers, weight, gallons, serial number of stamps, &c., as the case may require, must accord with the regulations governing the particular exportation.

## FORM No. 152.

*Verification of the delivery of merchandise, to be executed by American or foreign merchants, as the case may require. (Paragraphs 681 and 686.)*

We, \_\_\_\_\_, residing in the city of \_\_\_\_\_, do declare that the facts stated in the preceding certificate, signed by \_\_\_\_\_, of the said city, merchant, on the \_\_\_\_\_ day of \_\_\_\_\_, are (to our knowledge, just and true; or, are, in our opinion, just and true, and worthy of full faith and credit). We also declare that there is (no Consul or other public agent for the United States of America, or American merchants, as the case may require) now residing at this place.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, at the city of \_\_\_\_\_.

[Signatures.]

NOTE.—The above certificate is to be used only in cases where there is no United States Consul or Agent residing at the foreign port of landing and delivery. And in all such cases this verification is to be signed by two American merchants, if any such reside there, stating themselves as such; and in failure of both of these, by two respectable foreign merchants; in which case the last blank must be filled up with the words "nor American merchants."

## FORM No. 153.

*Oath of master and mate of exporting-vessel. (Paragraph 681.)*

PORT OF \_\_\_\_\_, \_\_\_\_\_, 188—.

We, \_\_\_\_\_, master, and \_\_\_\_\_, mate, of the \_\_\_\_\_, lately arrived from the port of \_\_\_\_\_, in the United States of America, do solemnly swear [or affirm] that the goods or merchandise enumerated and described in the foregoing certificate, dated the \_\_\_\_\_ day of \_\_\_\_\_, 18—, and signed by \_\_\_\_\_, of the city of \_\_\_\_\_, merchant, were actually delivered at the said port on board the \_\_\_\_\_ within the time specified in the said certificate, and, as to the tobacco and snuff described therein, that the weight stated was ascertained by actual weighing at the time of delivery.

\_\_\_\_\_, *Master.*  
\_\_\_\_\_, *\* Mate.*

Sworn [or affirmed] at the port of \_\_\_\_\_ before me, this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

\_\_\_\_\_. [SEAL.]

\* NOTE.—In all cases, the oath of the master, AND of the mate, must be obtained. In the case of goods subject to internal-revenue tax, the affidavit of the purser or other discharging officer may be substituted for that of mate.

In case of failure to execute the foregoing at the port of delivery of the goods, the same may, upon the return of the vessel at the port of shipment, be subscribed to before the collector of the port.

## FORM No. 154.

*Certificate of foreign revenue officer.* (Paragraphs 681 and 684.)

PORT OF \_\_\_\_\_, \_\_\_\_\_, 188—.

I, \_\_\_\_\_, do hereby certify that the goods [or merchandise] described in the foregoing declaration, and below, imported into this country [or province] from \_\_\_\_\_, were landed at this port, duly entered at the custom-house at this port on the \_\_\_\_\_ day of \_\_\_\_\_, 18—,\* and their value ascertained to be \_\_\_\_\_, and that the duties imposed by the law in force in this [country or province] upon said goods have been paid, or secured to be paid:

Marks.	Numbers.	Description of goods.	Date when entered.

In witness whereof I have hereunto set my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

[SEAL.]

\_\_\_\_\_  
Collector or Chief Revenue Officer.

NOTE.—The value stated should be that of the goods in the foreign country to which they were exported. Such value need not be specified if the consignee chooses to pay the maximum fee for the consular authentication of the landing certificate.

## FORM No. 155.

*Declaration as to works of art, the production of American artists.* (Paragraph 675.)

I, \_\_\_\_\_, the undersigned, a citizen of the United States, an artist, residing at \_\_\_\_\_, do solemnly and truly declare that the work (or works) of art mentioned and described in the within invoice was (or were) executed and produced by me, and that it is intended to ship the same to the port of \_\_\_\_\_, there to be entered, duty free, as the production of an American artist, under the provisions of section 2505 of the Revised Statutes of the United States.

Subscribed and sworn (or affirmed) to this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

\_\_\_\_\_  
U. S. Consul.

\*In shipments of tobacco or snuff, under the act of February 8, 1875, the following will be added: "And their weight ascertained to be \_\_\_\_\_."



## FORM No. 156.

*Certificate to be indorsed on the declaration of an American artist for the free entry of works of art. (Paragraph 675.)*

I, \_\_\_\_\_, Consul of the United States at \_\_\_\_\_, do hereby certify that the within declaration was subscribed and sworn (or affirmed) to before me by \_\_\_\_\_, who is known to me to be an American citizen and an artist residing at \_\_\_\_\_, and that the statements therein are true to the best of my knowledge and belief.

In testimony of which I have hereto subscribed my name and affixed the seal of my office this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

\_\_\_\_\_,  
Consul.

(The above is to be printed on the back of Form 155.)

## FORM No. 157.

*Manifest of cargo of fishing vessel. (Paragraphs 671 and 672.)*

Manifest of fish [or oil or other product of the fishery] taken by the [naming the fishing vessel] of the port of \_\_\_\_\_, in the United States, duly documented under the laws of the United States, landed at the port of \_\_\_\_\_, and destined for transshipment by the [naming vessel to which transferred and the route, if destined to cross either isthmus route], to the port of \_\_\_\_\_, in the United States; said fish [or oil or other product] having been taken by the crew or company of said vessel, while at sea, since the \_\_\_\_\_ day of \_\_\_\_\_, 188—.

Marks.	Packages.	Port of entry in United States.	Consignees.	Value.

I, \_\_\_\_\_, master of the said [fishing vessel] do hereby certify that said \_\_\_\_\_, above specified, was taken by the crew or company of said vessel and landed at the port of \_\_\_\_\_, to be shipped to the port of \_\_\_\_\_, in the United States, by the [name of importing vessel] of \_\_\_\_\_.

I further certify that the above is a true and faithful manifest of said \_\_\_\_\_, according to the best of my knowledge and belief.

\_\_\_\_\_,  
Master,

Sworn [or affirmed] before me this \_\_\_\_\_ day of \_\_\_\_\_, 188—.

\_\_\_\_\_,  
United States Consul.

## FORM No. 158.

*Certificate of United States Consul to manifest of fishing vessel.* (Paragraphs 671 and 672.)

CONSULATE OF THE UNITED STATES,  
\_\_\_\_\_, \_\_\_\_\_, 188—.

I, \_\_\_\_\_, United States Consul [or commercial agent] for the port of \_\_\_\_\_, do hereby certify that the above certificate was subscribed and sworn [or affirmed] to before me by \_\_\_\_\_, master of the \_\_\_\_\_, of \_\_\_\_\_, and that I fully believe the statements therein to be true in every particular.

I also certify that I have examined the papers of said vessel and find her to be an American vessel, owned by \_\_\_\_\_, commanded by \_\_\_\_\_, master, as shown by her register [or enrollment or license], numbered \_\_\_\_\_, issued at the port of \_\_\_\_\_, 18—.

[SEAL.]

\_\_\_\_\_  
U. S. Consul.

## FORM No. 159.

*Quarterly transcript of the record of notarial services at the consulate at \_\_\_\_\_ for the quarter ending the \_\_\_\_\_ day of \_\_\_\_\_, 188—.* (Paragraphs 479 and 552.)

No.	Date.	To whom the service was rendered.	Nature of the service.	Amount of fee or compensation.	Remarks.

I certify that the foregoing record of notarial services is a full and correct transcript of the record of this Consulate, and that the same contains a true and accurate statement of all the fees received at this Consulate for such services during the period named.

\_\_\_\_\_  
U. S. Consul.

## FORM No. 160.

## FORM OF AVERAGE BOND. (Paragraph 383.)

*Average bond of steamer (or schooner or ship, as the case may be).*

Whereas the steamer ———, whereof ——— is master, having on board a cargo of assorted merchandise, left the port of ———, in the State of ———, on or about the ——— day of ———, one thousand eight hundred and eighty—, bound for the port of ———, in the ——— of ———, and intermediate ports.

And whereas, while in prosecution of said voyage, the said steamer ——— did meet with a disaster, by which means certain losses and expenses have been incurred, and other expenses may hereafter be incurred in consequence thereof, which, according to the usage on the western inland waters, constitute a general average to be apportioned on said steamer, her earnings as freight, and her cargo:

Now we, the subscribers, being owners, shippers, or consignees, or agents or attorneys of owners, shippers, or consignees of said steamboat ———, cargo, or freight, do hereby, for ourselves, our executors and administrators, severally and respectively, but not jointly, nor one for the other, covenant and agree to and with each other, and also separately, to and with the master, or other legal representatives of said steamboat and cargo, that the loss or damage aforesaid as shall be made to appear to be due from us, the subscribers, or from those whom we represent, shall be paid by us respectively on demand, according to our shares in the said steamboat, cargo, or earnings as freight, and that such losses and expenses be stated and apportioned, in accordance with the established usages and laws upon the waters of ———, by ———, at the ——— of ———, ——— of ———, or some other competent adjuster of marine losses.

For the true performance of which we do severally bind ourselves, our principals, heirs, executors, administrators and assigns, to each other, and separately to the said steamer ———, master, or representative of the said steamboat and cargo, as the general representative of all parties at interest.

In witness whereof we have hereunto set our hands and seals on this ——— day of ———, in the year of our Lord one thousand eight hundred and eighty—.

NOTE.—Parties signing the bond will produce the invoice of goods and insert amount of the same on the bond.

Name of consignee.*	Number of articles.*	Invoice value.†	By whom the average bond is signed.f

\* Clerk of the boat or vessel will fill this out before leaving.

† To be filled out by signer of the bond.

## FORM No. 161.

*Table for the reduction of sterling money of Great Britain to United States gold coin, under act approved March 3, 1873, fixing the value of the £ sterling at \$4.8665. (Paragraph 488.)*

Prepared by the First Comptroller of the Treasury, April 1, 1873.

	0	1	2	3	4	5	6	7	8	9
1	4. 8665	53. 5315	58. 398	63. 2645	68. 131	72. 9975	77. 864	82. 7305	87. 597	92. 4635
2	9. 733	102. 1965	107. 063	111. 9295	116. 796	121. 6625	126. 529	131. 3955	136. 262	141. 1285
3	14. 5995	150. 88'5	155. 728	160. 5945	165. 461	170. 3275	175. 194	180. 0605	184. 927	189. 7935
4	19. 466	199. 5265	204. 393	209. 2595	214. 126	218. 9925	223. 859	228. 7255	233. 592	238. 4585
5	24. 3325	248. 1915	253. 058	257. 9245	262. 791	267. 6575	272. 524	277. 3905	282. 257	287. 1235
6	29. 199	296. 8565	301. 723	306. 5895	311. 456	316. 3225	321. 189	326. 0555	330. 922	335. 7885
7	34. 0655	345. 5215	350. 388	355. 2545	360. 121	364. 9875	369. 854	374. 7205	379. 587	384. 4535
8	38. 932	394. 1865	399. 053	403. 9195	408. 786	413. 6525	418. 519	423. 3855	428. 252	433. 1185
9	43. 7985	442. 8515	447. 718	452. 5845	457. 451	462. 3175	467. 184	472. 0505	476. 917	481. 7835

One shilling equals 24 $\frac{133}{100}$  cents. One penny equals 2 $\frac{133}{100}$  cents.

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
0	.....	.24	.48	.73	.97	1.21	1.46	1.70	1.94	2.19	2.43	2.67	2.92	3.16	3.40	3.65	3.89	4.13	4.38	4.62
1	.02	.26	.50	.75	.99	1.23	1.48	1.72	1.96	2.21	2.45	2.69	2.94	3.18	3.42	3.67	3.91	4.15	4.40	4.64
2	.04	.28	.52	.77	1.01	1.25	1.50	1.74	1.98	2.23	2.47	2.71	2.96	3.20	3.44	3.69	3.93	4.17	4.42	4.66
3	.06	.30	.54	.79	1.03	1.27	1.52	1.76	2.00	2.25	2.49	2.73	2.98	3.22	3.46	3.71	3.95	4.19	4.44	4.68
4	.08	.32	.56	.81	1.05	1.29	1.54	1.78	2.02	2.27	2.51	2.75	3.00	3.24	3.48	3.73	3.97	4.21	4.46	4.70
5	.10	.34	.58	.83	1.07	1.31	1.56	1.80	2.04	2.29	2.53	2.77	3.02	3.26	3.50	3.75	3.99	4.23	4.48	4.72
6	.12	.36	.60	.85	1.09	1.33	1.58	1.82	2.06	2.31	2.55	2.79	3.04	3.28	3.52	3.77	4.01	4.25	4.50	4.74
7	.14	.38	.62	.87	1.11	1.35	1.60	1.84	2.08	2.33	2.57	2.81	3.06	3.30	3.54	3.79	4.03	4.27	4.52	4.76
8	.16	.40	.64	.89	1.13	1.37	1.62	1.86	2.10	2.35	2.59	2.83	3.08	3.32	3.56	3.81	4.05	4.29	4.54	4.78
9	.18	.42	.66	.91	1.15	1.39	1.64	1.88	2.12	2.37	2.61	2.85	3.10	3.34	3.58	3.83	4.07	4.31	4.56	4.80
10	.20	.44	.68	.93	1.17	1.41	1.66	1.90	2.14	2.39	2.63	2.87	3.12	3.36	3.60	3.85	4.09	4.33	4.58	4.82
11	.22	.46	.70	.95	1.19	1.43	1.68	1.92	2.16	2.41	2.65	2.89	3.14	3.38	3.62	3.87	4.11	4.35	4.60	4.84

NOTE.—To find the value of any number of pounds represented by one figure, find the figure in the left-hand margin of the upper table, and its value will appear in the column adjoining, opposite that figure. To find the value when expressed by two figures, look for the *tens* in the left-hand column, and for the *units* in the top margin, and the value will be shown in the place where the two columns meet; thus, the value of £57 is \$277.3905. To find the value of £576, look for 57 as before, and move the decimal point one place to the right, and it shows \$2773.905; then add £6 as already shown, \$20.199, and it gives the sum of \$2803.104.

The lower table shows the value of every combination of shillings and pence less than £1; the upper margin representing the shillings, and the left-hand margin the pence. Thus, to find the value of 17 shillings and 6 pence, follow the column 17 downward until it meets the left-hand column opposite 6, and it shows \$4.25. By this method any number of pounds, shillings, and pence can be reduced to United States gold quickly and accurately.



Table for the £ at \$4.8665. (Paragraph 488.)

				No. 4.			
C.	s.	d.	0	\$	£	s.	d.
1	....	½	....	100	20	10	11½
2	....	1	....	200	41	1	11½
3	....	1½	1	300	61	12	11
4	....	2	1	400	82	3	10½
5	....	2½	2	500	102	14	10½
6	....	3	2	600	123	5	10½
7	....	3½	2	700	143	16	10
8	....	4	3	800	164	7	9½
9	....	4½	3	900	184	18	9
				10,000	2,054	17	3½
				20,000	4,109	14	7
				25,000	5,137	3	2½
				30,000	6,164	11	10½
				40,000	8,219	9	2
				50,000	10,274	6	6
				60,000	12,329	3	9½
				70,000	14,384	1	1
				75,000	15,411	9	8½
				100,000	20,548	13	0

\$	£	s.	d.
1	....	4	2
2	....	8	2½
3	....	12	4
4	....	16	5½
5	1	0	6½
6	1	4	8
7	1	8	9½
8	1	12	10½
9	1	17	0

\$	£	s.	\$800.	\$900.
1,000	205	96½	369 17 6½	390 8 5½
2,000	410	193½	575 7 3	595 18 2½
3,000	616	90½	780 16 11½	801 7 11½
4,000	821	189	986 6 8½	1,006 17 8
5,000	1,027	85½	1,191 16 5½	1,212 7 4½
6,000	1,232	182½	1,397 6 2	1,417 17 1½
7,000	1,438	81½	1,602 15 10½	1,623 6 10½
8,000	1,643	78	1,808 5 7½	1,828 16 7
9,000	1,849	74½	2,013 15 4½	2,034 6 3½

The combinations in No. 2. as directed in the note = £12 18s.





## FORM No. 163.

*Certificate given to the master of a vessel when transporting destitute seamen to an intermediate port. (Paragraph 279.)*

CONSULATE OF THE UNITED STATES OF AMERICA AT \_\_\_\_\_,  
\_\_\_\_\_, 188—.

To \_\_\_\_\_, Esq.,  
*United States Consul at* \_\_\_\_\_:

SIR: It is hereby certified that I have, on this — day of —, 18—, agreed with —, master of the (name and nationality of vessel) for the transportation from this port to —, of the following destitute American seamen (give names and name of vessel in which each seaman last served); and that the said (name of master) will be entitled to the sum of \$—, being the passage money at the rate of \$— for each seaman so transported, when he shall have satisfied you of their arrival at your consulate. The payment of this sum by you is authorized and required by the provisions of paragraph — of the Consular Regulations of 1880.

I am, sir, &c.,

[SEAL.]

\_\_\_\_\_,  
*U. S. Consul.*

## FORM No. 164.

*Receipt of seaman for arrears of wages. (Paragraph 246.)*

Received of \_\_\_\_\_, United States Consul at \_\_\_\_\_, the sum of \_\_\_\_\_ dollars, being the amount (or residue as the case may be) of the arrears of wages due to me since my discharge from the (name of vessel), of \_\_\_\_\_, of which (name of master) is master.

(Date.) \_\_\_\_\_



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I N D E X .

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